

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **July 17, 2014**
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 (June 12, 2014)
5. Continued Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

Case 766-AM-13 and Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping

Case 766-AM-13 Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related zoning Case 767-S-13, on the subject property below.**

* Case 767-S-13 Request: **On the subject property described below, authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District:**

Part A. Authorize multiple principal buildings on the same lot consisting of the following:

- (1) a landscape contractor's facility with outdoor storage that was originally authorized in Case 101-S-97; and
- (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use proposed in Part B.

Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use.

Location: **A 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**

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6. New Public Hearings

* **Case 781-S-14** Petitioner: **United Prairie, LLC, owned by Premier Cooperative and Topflight Grain, and officers Roger Miller, William Schable, Ron Meece, and Tim Hughes**

Request: Authorize expansion of existing Special Use Permit 676-S-10 to allow for the construction and use of a liquid fertilizer storage tank as part of a "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" facility.

Location: A 12 acre tract in Lots 1, 2 and 3 of August Miller's Subdivision, part of the southwest quarter of the northeast quarter of Section 34, Township 22N, Range 8 East, in East Bend Township and commonly known as United Prairie LLC at 3056 CR 950 East in Dewey.

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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

2 **MINUTES OF REGULAR MEETING**

3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

4 1776 E. Washington Street

5 Urbana, IL 61801

7 **DATE:** June 12, 2014

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

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

11 **MEMBERS PRESENT:** Debra Griest, Marilyn Lee, Brad Passalacqua, Eric Thorsland

13 **MEMBERS ABSENT :** Catherine Capel, Roger Miller, Jim Randol

15 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Levy

17 **OTHERS PRESENT :** Steve Burdin, Chad Osterbur, Herb Schildt, Eric Sebens, Don Wauthier,
18 Brian Wills

21 **1. Call to Order**

23 The meeting was called to order at 7:00 p.m.

DRAFT

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

27 The roll was called and a quorum declared present with three members absent.

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

33 **3. Correspondence**

35 None

37 **4. Approval of Minutes**

39 None

41 **5. Continued Public Hearing**

43 **Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the**
44 **Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to**
45 **the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related**
46 **zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast**

1 **Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third**
 2 **Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**
 3

4 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the**
 5 **following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize multiple**
 6 **principal buildings on the same lot consisting of the following: (1) a landscape contractor’s facility**
 7 **with outdoor storage that was originally authorized in Case 101-S-97; and (2) Self-Storage**
 8 **Warehouses, providing heat and utilities to individual units as a special use proposed in Part B.**
 9 **Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to**
 10 **individual units as a special use. Location: A 5-acre tract in Tolono Township in the East Half of the**
 11 **Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the**
 12 **Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E,**
 13 **Champaign.**
 14

15 Mr. Thorsland informed the audience that Case 767-S-13 is an Administrative Case and as such the County
 16 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
 17 show of hands for those who would like to cross examine and each person will be called upon. He requested
 18 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
 19 that those who desire to cross examine are not required to sign the witness register but are requested to
 20 clearly state their name before asking any questions. He noted that no new testimony is to be given during
 21 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
 22 exempt from cross examination.
 23

24 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
 25 the witness register for that public hearing. He reminded the audience that when they sign the witness
 26 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
 27 time for Cases 766-AM-13 and 767-S-13.
 28

29 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
 30

31 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present tonight to
 32 continue to request the approval for rezoning his property located at 1069 CR 900 E, Champaign, from AG-1
 33 to B-1 and the approval for a special use permit to allow the construction of self-storage units. He
 34 distributed written responses or comments that he made after he had the chance to review the mailing packet.
 35

36 Mr. Sebens stated that the building time frame plan is to start erecting the farthest east building first within a
 37 year of approval and add additional units/buildings to the west as the need dictates and he would project an
 38 approximate 3 to 4 year time span between the construction of the first building and each of the next
 39 buildings. He said that by the time he reaches the decision to construct the final west building, in
 40 approximately 10 years, he would like to determine at that time if the space is better utilized for the
 41 landscape contracting business or if it is a better option to construct the final storage building. He said that it

1 is his desire to retain some flexibility with the use of his property as the future dictates by need.

2
3 Mr. Sebens stated that regarding soil erosion at the northwest corner of the site, there is a temporary retaining
4 wall system in place that he built to temporarily prevent any erosion in the grain field west of him until
5 further direction/approval is determined. He said that this temporary system eliminated all erosion this
6 spring until the recent 4 plus inch rain/hail storm event which we experienced in about a two hour time
7 frame on May 21, 2014. He said that during this extreme rain event there was a very minor amount of
8 erosion in this area but this rain event was significant enough to cause flooding for the first time inside the
9 west end of his office building and caused traffic to be stopped on Duncan Road as a result of the water over
10 the road. He said that the simple solution that he installed himself has pretty well curbed the erosion
11 problem and he is confident that the professionally engineered solution will prevent all erosion in this area.

12
13 Mr. Sebens stated that regarding future changes to the landscape facilities and features, all the current
14 locations of the main facility, parking, poly houses and material storage could remain in place until the time
15 the third building is constructed. He said that at that time he would need to relocate the poly-houses, plant
16 materials storage areas, and compost area further to the south and southwest side of the property as there
17 would still be sufficient room for these features. He said that if the future need dictates, and the fourth
18 building is needed, he would like the flexibility to decide at that time if the space is best utilized for storage
19 or for the landscape operation within the boundaries of what the ordinance will allow.

20
21 Mr. Sebens stated that in regards to the septic system, he met with Steve at S & J Wastewater Systems, the
22 original installer of the contracting building's septic system, and by an onsite analysis Steve indicated that
23 the septic system could be relocated to the east side of the existing house.

24
25 Mr. Sebens stated that property line encroachments were corrected early this spring and no additional
26 contracting site improvements are planned for in the future.

27
28 Mr. Sebens stated that the revised plan addresses almost all of the issues which were brought up at the last
29 public hearing. He said that he has reduced the amount of units to accommodate bringing the detention
30 basin offline as well as to allow an adequate queue area off of Duncan Road before approaching the entrance
31 gate.

32
33 Mr. Thorsland asked the Board if there were any questions for Mr. Sebens.

34
35 Mr. Passalacqua asked Mr. Sebens to clarify his statement indicating that he would like to determine whether
36 the property is better for the landscape business or the storage units. He asked Mr. Sebens if he is indicating
37 that the landscape business may cease to exist.

38
39 Mr. Sebens stated that his plans include continuing to operate the landscape business but based on what he
40 has seen recently with a lot of contracting, he is not sure where the landscape contracting business will go in
41 the future.

1
2 Mr. Passalacqua stated that if the plan is supposed to indicate up to a 10-year completion it includes four
3 storage units. He said that the plan does not indicate where Mr. Sebens will place spoils, plant materials, or
4 the contents of the existing shed therefore he does not see how Mr. Sebens could operate the landscape
5 contracting business and the rentals at the present scale because all of the usable area that is located in the
6 watershed is all in use now. He said that if Mr. Sebens continues to do only new construction landscaping or
7 retro-fit landscaping or even just a mowing operation he has lost more than half of the property.
8

9 Mr. Sebens stated that the construction of the first two storage buildings would have absolutely no effect on
10 the landscape operation because that area is not in use for the landscape business.
11

12 Mr. Passalacqua stated that he agrees with Mr. Sebens but when the Board reviews the plan the Board has to
13 approve it at its final stage.
14

15 Mr. Sebens stated that he was not sure at what level all of the details needed to be included on the plan.
16

17 Mr. Passalacqua stated that an option would be to build the storage units in two stages but that would put
18 Mr. Sebens in a situation where he would need to revisit the Board in six or eight years for a second
19 approval.
20

21 Mr. Sebens stated that he intends to build all four buildings but it will be quite a ways down the road. He
22 said that at that point and time he will be in his early 60's and would say to himself that it may be easier to
23 build a few more storage units rather than continuing to manage a landscaping operation.
24

25 Mr. Passalacqua stated that if the Board is to approve the project everything needs to be indicated on a final
26 plan regardless of the time span for construction.
27

28 Mr. Sebens stated that he did not realize that current and future plans should be indicated on the plans.
29

30 Ms. Lee stated that at the March 13, 2014, public hearing she asked Mr. Reifsteck if he paid for the 8-inch
31 tile that was installed and Mr. Reifsteck indicated that the tile was only a 6-inch tile and that he did indeed
32 pay for the tile. She said that the plan received on June 5, 2014, indicates that on the west end of the
33 property a proposed 8-inch PVC outlet pipe which will connect to an existing 6-inch inlet. She said that an
34 8-inch pipe going into a 6-inch pipe does not work.
35

36 Mr. Sebens stated that he will have to have his engineer comment on Ms. Lee's question.
37

38 Mr. Thorsland stated that he will call Mr. Sebens' engineer, Chad Osterbur, to testify and answer the Board's
39 questions.
40

41 Mr. Thorsland asked Mr. Sebens to indicate how many hoop houses are on the property currently.

1

2 Mr. Sebens stated that there are two hoop houses currently.

3

4 Mr. Thorsland stated that the plan only indicates one hoop house.

5

6 Mr. Sebens stated that in the long range he is only indicating one but there could potentially be two hoop
7 houses or one large hoop house in the area indicated.

8

9 Mr. Thorsland asked if the new hoop building could be larger than the 20' x 30' hoop house indicated on the
10 plan.

11

12 Mr. Sebens stated that the standard size is 20' x 30'. He said that if the need for the storage of plant
13 materials increases then he could build a larger hoop house or build two at that location. He said that he
14 currently has two hoop houses and occasionally he will use the second one but it is generally an overflow
15 hoop house.

16

17 Mr. Thorsland stated that the plan only indicates one hoop house and as Mr. Passalacqua previously
18 mentioned the Board has to review what is submitted by the petitioner. He said that the plan only indicates
19 one hoop house and testimony has indicated that the construction may occur in two different phases. He said
20 that it is hard for the Board to approve two different ideas therefore the petitioner must indicate exactly what
21 they are going to do and not what they may want to do. He said that Mr. Passalacqua suggested that perhaps
22 the construction could occur in two phases therefore a site plan would be required for each phase. He said
23 that one site plan would indicate the first two buildings and the other site plan would indicate the second two
24 buildings.

25

26 Mr. Thorsland asked the Board if there were additional questions for Mr. Sebens and there were none.

27

28 Mr. John Hall, Zoning Administrator, stated that it is good information that the buildings will be constructed
29 east and west. He asked Mr. Sebens if he had given thought to how to ensure that the crushed stone
30 pavement does not begin to short circuit drainage directly into the swale or directly into the Duncan Road
31 ditch. He said that the nature of crushed stone paving is that when it is driven over it changes and after 10
32 years there will be a significantly different surface of crushed stone. He said that since we know that Mr.
33 Sebens will begin with the easternmost building, at a staff level, it has been discussed whether there is a need
34 for some sort of retaining wall to get the drainage from the easternmost building routed to the detention
35 basin. He said that adequate detention will be required as more impervious area is being added. He said that
36 it is good information that the buildings will be constructed east to west but now we have to make sure that
37 the drainage system is designed to drain that way from day one until the fourth building is constructed. He
38 said that he is curious that when the 4-inch rain in two hours was recently received if the materials on the site
39 were moved around much because there appears to be more than one acre of exposed earth and when there is
40 a 4-inch rain received on exposed earth there will be a lot of sedimentation.

41

1 Mr. Sebens stated that there was a little bit of movement. He said that he inspected the site today and it
2 appeared that the water which came across Duncan Road eroded out the farmer's field as well. He said that
3 he believes that he has enough of a buffer around his piles at this point and time where the erosion off of the
4 piles still remains on his property.

5
6 Mr. Hall stated that the north detention basin is fairly shallow and the existing area is crushed stone and it is
7 unknown what use is being proposed when the detention basin is built but he assumes Mr. Sebens is still
8 considering crushed stone. He said that he also assumes that Mr. Sebens is hoping that the detention basin is
9 still a usable parking lot or something but when the basin is built and an outlet is installed the County needs
10 to make sure that the outlet is not blocked during a rain event and that the detention volume is there. He said
11 that he wants the Board to consider what is needed to have a north detention basin which works well over the
12 next 20 years and will not fill up with things that will get moved around during a heavy rain and will not be
13 parked with vehicles so that there is only one-half the amount of volume that is required. He said that the
14 detention basin should not be filled with materials in ten years when people forget that the area is actually a
15 detention basin.

16
17 Mr. Passalacqua asked if the north basin is indicated on the plan.

18
19 Mr. Thorsland stated yes. He said that the plan indicates that the following: Construct berm to create
20 natural detention area.

21
22 Ms. Griest stated that a berm and basin are two different things.

23
24 Mr. Hall stated that the berm is the same thing as a dam. He said that when we finally have agreement about
25 the stormwater calculations it might actually be a little deeper but there is an issue that if this is a parking
26 area that the Stormwater Management Policy limits the depth of water in the parking area and this is mainly
27 a convenience for the public but nonetheless it is still a standard. He said that what he wants to focus on
28 tonight is that we do not normally see a drainage plan where direction of drainage is in fact a critical feature
29 that is proposed to be stone which will move over time and that may be okay if we can make sure that it will
30 not create problems or if we can make sure that a certain amount of storage is being provided in the north
31 basin that it will be there and available and not fill up or taken up with other things. Mr. Hall stated that
32 these are things that we really don't have specific regulations for in the Stormwater Management Policy and
33 are things which staff needs guidance from the Board. He said that the notes tonight are helpful and one
34 thing about building east to west once the property is rezoned to B-1 the contractor's facility is by-right
35 therefore the only concern that the Board would have about the contractor's facility would be making sure
36 that the drainage works as it is expected to work and maintaining the minimum separation between the
37 contractor's hoop building and the storage building. He said that the 20 feet minimum separation is required
38 by the Zoning Ordinance. He said that it is not 20 feet from the fence around the self-storage area and it is
39 not 20 feet from the pavement but just between the two buildings and some sort of note on the site plan is
40 necessary so that ten years from now when the second or third building is built the petitioner will realize that
41 they must be 20 feet from the contractor's building.

1

2 Mr. Hall asked Mr. Sebens if he understands that in the future when the contractor's building is by-right that
3 he still needs to obtain Zoning Use Permits for any structures constructed on the property. He said that if a
4 neighbor becomes unhappy about something that is occurring on the property the lack of a permit is an easy
5 complaint for them to make. Mr. Hall encouraged Mr. Sebens to always check with the department to see if
6 a permit is necessary prior to construction.

7

8 Mr. Sebens stated that he may do what Mr. Passalacqua recommended earlier in that he will complete this
9 project in two different phases. He said that buildings #1 and #2 will be in Phase I and if the need is obvious
10 then he will construct buildings #3 and #4 during Phase II.

11

12 Mr. Hall stated that according to the plans, access to the hoop shed is gained by driving around the west side
13 of the storage building. He asked Mr. Sebens if he had considered if driving over the berm to gain access to
14 the hoop building would create a problem in maintaining the berm.

15

16 Mr. Sebens stated that he does not believe that there will be a problem because the berm would have to be
17 constructed of something solid enough that driving over the top of it would not affect the integrity of the
18 berm. He said that he may have to pour concrete or make it out of something solid that will not be pushed
19 down.

20

21 Mr. Hall stated that another request that he would have for the site plan would be to indicate a clear
22 demarcation between anything that is impervious and vegetative area. He said that the way that he
23 understands the plan is that Mr. Sebens is going to have the paved path along the west side of the self-
24 storage going back to the hoop shed and presumably it will be paved in front of the hoop shed therefore all of
25 those impervious surfaces are going to create runoff. He said that some of the runoff will be uncontrollable
26 and will run to the west and that is okay so long as it does not erode but to the extent that the runoff is
27 undetained there must be more control on the detention basin therefore having a site plan clearly indicating
28 paved and unpaved is essential.

29

30 Ms. Lee asked Mr. Sebens if 25 feet between the chain link fence and the first building is large enough to
31 maneuver a pickup truck with a trailer attached. She said that 25 feet may prove difficult for someone who
32 wanted to back into a storage unit to load or unload their items.

33

34 Mr. Thorsland stated that it is typical for most people to drive down the aisles to load and unload and not
35 back in to the units to load and unload. He said that he believes that the typical separation has been met.

36

37 Mr. Sebens stated that based on his research most of the self-storage units have less than 30 feet between
38 them.

39

40 Mr. Passalacqua asked Mr. Sebens if there was a fire hydrant on the water line which runs in front of the
41 property.

1

2 Mr. Sebens stated no, but he does have city water therefore he is investigating the opportunity for a fire
3 hydrant.

4

5 Mr. Thorsland stated that the existing septic tank and leach field for the house is between buildings #1 and
6 #2 and the septic tank and leach field for the contractor's facility building is northeast of the house in the
7 front yard. He said that the plan indicates that the new septic tank and leach field for the house will be
8 relocated to the front of the house.

9

10 Mr. Sebens stated yes.

11

12 Mr. Thorsland asked Mr. Sebens if there was enough room for the two systems to be next to each other.

13

14 Mr. Sebens stated that he had Steve from S & J Wastewater Systems complete a site visit and Steve
15 indicated that the two systems side by side is possible.

16

17 Mr. Thorsland stated that it is his understanding that there needs to be enough room for replacement of both.

18

19 Mr. Hall stated that replacement space is not a requirement of the Ordinance but it can be a requirement by
20 the Board. He said that the septic system requirements have become more rigorous in the past year and
21 someone is not going to be allowed to install a surface discharging system if one does not exist already
22 therefore it is critical to plan for replacement over the long term and still have regular maintenance on the
23 system that they have.

24

25 Ms. Lee asked Mr. Sebens to indicate the distance between the well and the septic tank.

26

27 Mr. Sebens stated that he is not sure of the exact distance but when J & S Wastewater Systems was at the
28 property Steve measured the distance between the existing leach field for the contracting building to the well
29 and Mr. Sebens' believed that Steve told him that the separation had to be 50 feet or more. Mr. Sebens stated
30 that he would assure that both systems are at least 50 feet from the well.

31

32 Mr. Thorsland asked Mr. Sebens if there is only one well on the property.

33

34 Mr. Sebens stated yes.

35

36 Mr. Passalacqua asked Mr. Sebens where water stood on his property during the heavy rain event.

37

38 Mr. Sebens stated that there was water on the front of the property where it crossed Duncan Road. He said
39 that the water was coming down so fast that it was 200 yards over the road for one and one-half miles. He
40 said that he had never seen water across the top of Duncan Road before.

41

1 Ms. Griest asked Mr. Sebens if any of his facilities are connected to city water.

2

3 Mr. Sebens stated that the contractor's facility building and the house is connected to city water.

4

5 Ms. Griest asked Mr. Sebens to indicate what he uses the well for.

6

7 Mr. Sebens stated that he currently has not been using the well.

8

9 Ms. Griest asked Mr. Sebens if he plans to use the well in the future.

10

11 Mr. Sebens stated that he may use the well to water plant materials.

12

13 Mr. Thorsland asked the Board if there were any additional questions for Mr. Sebens and there were none.

14

15 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Sebens and there was no one.

16

17 Mr. Thorsland called Chad Osterbur to testify.

18

19 Mr. Thorsland requested that Mr. Osterbur provide a summary of the plan regarding drainage.

20

21 Mr. Chad Osterbur, Engineer with Fehr Graham Engineering and Environmental, stated that there are two
22 different catchment areas. He said that the north basin catches the runoff from the north portion of the site
23 and the south basin will handle the south half. He said that to the north they designed an earthen berm which
24 will block and hold back water and will blend in with the contours to the east. He said he has not discussed
25 the drive and installation of concrete yet.

26

27 Mr. Osterbur stated that the basin is designed per the Ordinance which is detaining for a 50 year event at the
28 existing 5-year and that is what the volume accounts for in both basins as well as the size of the outlet. He
29 said that when the volume is attained the head water will be calculated at a certain discharge which is how
30 the two 8-inch outlets were sized. He said that there was a question regarding the 6-inch tile and they had
31 originally designed that as a culvert so that it would daylight through the berm itself onto the surface and
32 again that is a 50-year event and during most rain events that would only be a trickle. He said that he was
33 initially intending for that to drain onto the surface and it was suggested that they connect it into the tile to
34 eliminate erosion but the main path of drainage would be on the surface therefore if they go ahead and tie
35 into the inlet and the 6-inch tile cannot handle it during a 50-year event it would just bubble out on to the
36 ground and continue to drain out on the surface. He said that the 6-inch tile is more of a low-flow tile for
37 smaller rain events.

38

39 Ms. Lee asked Mr. Osterbur if the 8-inch tile will be connected in to the 6-inch tile.

40

41 Mr. Osterbur stated yes.

1

2 Ms. Lee stated that the circumference of an 8-inch tile is a lot different than a 6-inch tile.

3

4 Mr. Osterbur stated that if the tile was not there we would still be discharging out on the ground. He said
5 that the 6-inch tile is essentially there to handle smaller rain events. He said that the 8-inch tile will not be
6 running full except during a 50-year event in which case the 6-inch tile isn't handling that anyway.

7

8 Mr. Thorsland asked if there would be a standpipe.

9

10 Mr. Osterbur stated that there is already a structure there so they would connect into that.

11

12 Mr. Thorsland asked if this is the same for the south basin.

13

14 Mr. Osterbur stated that will basically be a culvert discharging out onto the surface into the swale.

15

16 Mr. Thorsland stated that it was suggested that perhaps Mr. Sebens construct the first two storage units and
17 then only having the stone driveway encompass those first two but there is a desire, or mandate, to make sure
18 that it functions to run into that. He said that the south detention basin is set up, elevation wise to catch the
19 runoff if there is no stone further to the west to bring in buildings #3 and #4.

20

21 Mr. Osterbur stated that we could design it in a temporary space to make sure that it could get there. He said
22 that it should not be much of a problem.

23

24 Mr. Thorsland stated that temporary could potentially be 10 years.

25

26 Ms. Lee asked Mr. Osterbur to indicate how deep the south detention basin will be.

27

28 Mr. Osterbur stated that the south detention basin is approximately 4 feet total at the lowest point.

29

30 Mr. Thorsland stated that the north basin is 3 feet at the lowest point but there is some consideration that it
31 will still be crushed stone and will house vehicles. He said that hopefully vehicles will not be in the area
32 when there is 3 feet of water.

33

34 Mr. Osterbur asked Mr. Sebens if he was planning on parking vehicles in that area.

35

36 Mr. Sebens stated yes. He said that only company vehicles would be parked in that area.

37

38 Mr. Thorsland stated that if all four buildings and the hoop building were all constructed and the access
39 happens behind building #4 to the west then someone is going to be driving over the berm which is almost
40 one foot high. He said that the site plan needs to indicate how the berm will not become zero feet in height.

41

1 Mr. Osterbur stated that he can make some accommodations for that concern.

2

3 Mr. Thorsland asked the Board if there were any additional questions for Mr. Osterbur and there were none.

4

5 Mr. Thorsland asked if staff had any questions for Mr. Osterbur.

6

7 Mr. Hall asked Mr. Osterbur if there may be a need to somehow restrain the east edge of the stone paving so
8 that from the beginning and 20 years in to the future it is in fact draining into the basin and not into the
9 swale.

10

11 Mr. Osterbur stated that the intent was to pitch everything so that it has a low point running down the middle
12 of the drive and nothing is running off.

13

14 Mr. Hall asked Mr. Osterbur if he believes that stone paving will hold up pretty well.

15

16 Mr. Osterbur stated that they have 1 to 2 percent slopes which will drain pretty well with stone.

17

18 Mr. Thorsland stated that the plan indicates flow lines in the gravel therefore there will be a "v" channel
19 down the center of the buildings and to the roadway.

20

21 Mr. Osterbur stated that Mr. Thorsland was correct.

22

23 Mr. Hall asked Mr. Osterbur if the ground surface at the edge of the pavement needs to be protected or
24 guarded from erosion when the water gets to the detention basin and runs off the pavement.

25

26 Mr. Osterbur stated that if we try to spread it out level rather than at a single discharge point we will
27 eliminate that a little bit but there are things that we can do to keep that from eroding away. He said that
28 there are also products that can be investigated to assist as well.

29

30 Ms. Lee asked Mr. Osterbur why the drainage would not go to the south of building #1 with an elevation
31 point of 710 feet in lieu of the detention basin of 712 feet.

32

33 Mr. Osterbur stated that they will build up the ground a little bit to pitch it to the center of the drive to the
34 west. He said that they will be building it up to avoid anything running directly into the swale.

35

36 Mr. Hall stated that he assumes that there will be some sort of armoring at the end of the culvert of the basin
37 to slow down the water as it comes out.

38

39 Mr. Osterbur stated that rip rap would be installed.

40

41 Mr. Hall stated that we have a requirement in the Policy that if there is not at least a 2% slope that there

1 needs to be under drains. He asked Mr. Osterbur if a 2% slope can be put in the south basin.

2
3 Mr. Osterbur stated that it was set up to be a 2% slope and the north one is naturally steeper than that.

4
5 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Osterbur and there
6 were none.

7
8 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Osterbur and there was no one.

9
10 Mr. Thorsland asked the audience if anyone else desired to sign the witness register to present testimony
11 regarding Case 766-AM-13 & 767-S-13 at this time and there was no one.

12
13 Mr. Thorsland requested that Mr. Sebens return to the microphone to address the Board.

14
15 Mr. Thorsland stated that he would either like to see one complete plan with all four buildings in one phase
16 or two complete plans indicating the two phases. He said that the final plan should include the relocation of
17 the hoop house, the berm and how it will be affected by vehicles driving over it, and relocation of the septic
18 tank and leach fields. He asked Mr. Sebens if the house was occupied.

19
20 Mr. Sebens stated yes.

21
22 Mr. Thorsland stated that the septic system must be adequate for the house and the Board sometimes requires
23 a backup leach field area. He said that it appears that a backup area of the home's leach field area will be
24 hard to achieve because the well is behind the house and a lot of the rest of the property is either waterway or
25 crushed stone. He asked Mr. Sebens if he is considering a two phase approach to this project.

26
27 Mr. Sebens stated that he would like to give the two phase approach some thought but that is probably the
28 route that he will take.

29
30 Mr. Thorsland stated that if a two phase approach is taken the plan for Phase One should indicate the
31 location of the gravel and if it doesn't end at building #4 the Board needs more detail regarding the drainage.
32 He said that Ms. Lee stated that there is a ramp for the water to get to the detention rather than heading
33 straight to the swale which is much lower. He said that this would take away having to worrying about what
34 happens with the north berm area. He said that the Board would like to see where the contractor's facility
35 buildings are located and where the landscape activities will occur. He said that J & S Wastewater could
36 indicate where the septic system which is located under the gravel will be relocated.

37
38 Mr. Sebens stated that the concern regarding the relocation of the septic system was the reason why he called
39 Steve from J & S Wastewater. He said that Steve visited the site and took measurements and determined
40 that relocation of the septic system was possible to the front of the property.

41

1 Mr. Thorsland stated that he understands the verbal indication from J & S Wastewater but the final plan
2 needs to indicate where the septic system will be relocated. He said that this Board requires a complete site
3 plan from the petitioner so that there are no questions during the process and the Board is completely aware
4 of what they are approving. He said that Mr. Sebens has gotten a very good start in responding to the
5 Board's concerns with the site plan but more work does need to be done.
6

7 Mr. Sebens stated that if he does complete the project in two phases he wonders if Mr. Osterbur would
8 suggest installing a smaller basin.
9

10 Mr. Thorsland stated that Mr. Sebens will need to converse with his engineer regarding the two phase plan
11 and the final plan.
12

13 Mr. Passalacqua stated that if the project is completed in two phases he would try to design the existing
14 facility areas for parking, material storage, spoils, in a way that he will not have to redesign it during Phase
15 II. He said that Prairieview Landscaping can occur in the northern portion of the property and the storage
16 facility in the southern portion. He said that if the engineering design was to accommodate both operations
17 now it would make Phase II go a lot smoother. He said that he does not believe that Mr. Sebens would be
18 saving much money to undersize the detention basin because we have probably had the two most remarkable
19 rain events in 15 years. He said that Mr. Sebens does have a good neighbor but it behooves Mr. Sebens to
20 assure that the engineering for the detention basin is adequate and does not cause issues with adjacent
21 properties.
22

23 Mr. Thorsland stated that drawing the plans on paper is a lot cheaper than moving the dirt in the future.
24

25 Mr. Thorsland asked the Board if there were any additional questions.
26

27 Ms. Griest asked Mr. Hall if Mr. Sebens was to come back before the Board with two plans, Phase I and
28 Phase II, would that fall within the scope with what was advertised for approval or would Mr. Sebens have to
29 come back for a second case for Phase II.
30

31 Mr. Hall stated that it could be done as part of this public hearing and it would be completely consistent.
32

33 Ms. Griest informed Mr. Sebens that what she would hope to see as a Board member would be that in Phase
34 I all of the existing contractor items' locations are clearly indicated on the drawing and then similarly for
35 Phase II. She said that the current drawing does not indicate some of the existing operational outdoor
36 storage aspects and she understands that Mr. Sebens may not move the outdoor storage areas until the second
37 set of buildings are constructed but they still need to be drawn on the plans. She said that once Mr. Sebens
38 receives approval the buildings and the outdoor storage areas have to be sited in those locations indicated on
39 the plan and he will not have the latitude and flexibility to move them around wherever he may decide later.
40

41 Mr. Sebens stated that perhaps two separate plans for Phase I and Phase II should be completed.

1

2 Mr. Thorsland stated that it would be helpful if Mr. Sebens would visit the Department of Planning and
3 Zoning so that he could review the two phase site plans for a recent self-storage unit case that was recently
4 approved. He said that the site plans for the previous case clearly indicated the two phases and was most
5 helpful for the Board.

6

7 Mr. Passalacqua asked if the Board could approve both phases so that Mr. Sebens would not have to come
8 back before the Board at a later date.

9

10 Mr. Hall stated yes.

11

12 Ms. Lee stated that the plan indicates that the five year intensity on the south basin is five inches per hour
13 and the north basin is 5.4 per hour. She asked why there is a difference in intensity.

14

15 Mr. Hall stated that the intensity is based on the time of concentration.

16

17 Mr. Thorsland asked Mr. Sebens if he had any questions for the Board or staff.

18

19 Mr. Sebens stated no. He said that he understands that the Board would like to see two different drawings
20 indicating the project in the two phases.

21

22 Mr. Hall stated that he would like to hear the Board's thoughts about the use of the north detention basin and
23 if they are concerned about what goes inside that basin.

24

25 Mr. Passalacqua stated that he does believe that the north detention basin is a good area for parking vehicles.

26

27 Mr. Thorsland stated that the new site plan needs to indicate where the trucks and trailers for the landscape
28 operation will be parked.

29

30 Mr. Passalacqua stated that he has crushed gravel on his business lot and he has to grade it every year. He
31 said that he only has one truck which goes across the rock each day for five to six days per week and the
32 drive has to be graded to keep the water out of the area. He said that within six months the water begins to
33 stand and it has to be graded again therefore he does not know if a special condition is necessary to restrict
34 parking in the north detention basin or whether the condition should indicate that the detention basin must be
35 maintained.

36

37 Mr. Hall asked Mr. Passalacqua to indicate his opinion regarding maintenance of the crushed gravel as the
38 drainage conduit in the self storage area.

39

40 Mr. Passalacqua stated that it is his personal experience that the crushed stone moves quite a bit and he has
41 limited traffic. He said that the area that he has to grade is a relatively wet location during heavy rain events

1 and by design the center of the lanes take on a lot of movement of water. He said that he is just concerned
2 about the maintenance of the crushed stone. He said that he understands that crushed stone is less expensive
3 and more permeable than concrete but he will inform the petitioner and the Board that more stone will be
4 required each year.

5
6 Mr. Sebens stated that at the north end of the property he packed down the dirt with equipment and installed
7 3-inch gravel that locked together. He said that at this time he is able to drive a loaded semi-truck and trailer
8 full of mulch on the drive in the spring and the drive is solid.

9
10 Mr. Passalacqua stated that Mr. Sebens' drive does have a better base than his driveway for his operation.

11
12 Mr. Sebens stated that if the ground is not packed and 3-inch gravel is not brought in it will roll around
13 forever.

14
15 Mr. Hall requested that Mr. Sebens add detail to the site plan indicating the design of the driveway therefore
16 someone will know that it is not compiled of loose gravel. He said that a cross-section indicating the
17 construction of the driveway would be helpful.

18
19 Ms. Lee stated that she still has issues with the 8-inch tile going into the 6-inch tile. She said that the 6-inch
20 tile was not paid for by Mr. Sebens but by Mr. Reifsteck and a greater usage is being forced on that 6-inch
21 tile.

22
23 Mr. Sebens stated that he is not an expert on this topic therefore he will let Mr. Osterbur address Ms. Lee's
24 concern. He said that Mr. Osterbur previously explained that the 8-inch pipe will not be running the full 8-
25 inches and even with the extreme rain event that we recently received in 2 plus hours the self-made detention
26 that he constructed held back 98% of the water. He said that he saw more erosion in adjacent fields than
27 what he had in his area.

28
29 Mr. Hall asked Ms. Lee if she would like to see something from Mr. Reifsteck allowing the connection to the
30 6-inch tile.

31
32 Ms. Lee stated that it would be appropriate for the Board to receive something from Mr. Reifsteck indicating
33 that he would allow connection to the tile that he paid for. She said that Mr. Sebens increased the drainage
34 which required the need for the 6-inch tile originally which she believes violated the *Illinois Drainage Law*.
35 She said that agriculture land is all around the subject property and Mr. Sebens will increase the flow
36 because he will be creating area where the water will not go into the ground.

37
38 Mr. Sebens stated that he did speak with Mr. Reifsteck about the connection and Mr. Reifsteck agreed to the
39 connection.

40
41 Mr. Hall stated that a written document or testimony from Mr. Reifsteck would ease the Board's concern

1 regarding the proposed connection.
2

3 Mr. Hall asked the Board if they would like to see anything along the north property line because parking is
4 not supposed to be within five feet of the property line. He said that the parking concern is definitely taken
5 care of along the west line of the subject property but his sense is that the intent is not to allow parking along
6 the north line as well although there is nothing on the plan preventing it.
7

8 Mr. Passalacqua stated that there was previous testimony regarding the north property line and the
9 installation of a fence. He said that the Board received testimony from Mr. Reifsteck regarding his concerns
10 related to garbage blowing onto his property.
11

12 Mr. Thorsland stated that a fence is indicated on the west side of the subject property but not the north.
13

14 Mr. Hall stated that the minutes are unclear because Mr. Passalacqua was clearly speaking about placing a
15 fence on the north side of the subject property and Mr. Reifsteck indicated that a fence would help and that
16 he would be in favor of a fence. He said that the Board never actually made it clear that they desired a fence
17 on the north side of the subject property but they do have a chance to clarify that desire tonight.
18

19 Mr. Sebens stated that he spoke to Mr. Reifsteck about the installation of a fence on the north side of the
20 property and Mr. Reifsteck indicated that the bulk of the trash comes from the gas station which is located
21 southwest of the subject property at the I-57 interchange. He said that the prevailing southwestern winds
22 will not carry his trash to Mr. Reifsteck's field to the west and the contractor's building will block any
23 blowing trash to the north.
24

25 Mr. Passalacqua stated that written documentation from Mr. Reifsteck would be helpful for this Board and
26 the County Board during their review for approval.
27

28 Mr. Hall asked Mr. Sebens if a note could be added to the site plan indicating that no parking is allowed
29 within five feet of the north lot line.
30

31 Mr. Sebens stated yes.
32

33 Mr. Thorsland asked the Board if there were any additional questions for Mr. Sebens or Mr. Osterbur at this
34 time and there were none.
35

36 Mr. Thorsland requested a continuance date for Cases 766-AM-13 and 767-S-13.
37

38 Mr. Hall stated that July is a very busy month for staff because he is preparing the budget. He said that he is
39 sure that Mr. Sebens would appreciate a decision in July therefore staff will do its best at a staff level to
40 accommodate Mr. Sebens.
41

1 Mr. Thorsland asked Mr. Sebens if a continuance date to July 17th would be acceptable.

2

3 Mr. Sebens stated yes.

4

5 Mr. Thorsland recommended that Mr. Sebens visit the office regarding review of the Irongate Self-Storage
6 approved site plans.

7

8 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the July 17th meeting.

9

10 Ms. Griest moved, seconded by Mr. Passalacqua to continue Cases 766-AM-13 and 767-S-13 to the
11 July 17th meeting. The motion carried by voice vote.

12

13 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
14 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
15 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
16 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
17 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
18 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
19 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
20 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
21 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
22 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
23 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
24 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
25 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
26 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
27 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
28 **activities including a including a requirement for a Land Disturbance Erosion Control Permit**
29 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
30 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
31 **of development must comply with the Illinois Environmental Protection Agency’s ILR 10 Permit**
32 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
33 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
34 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**
35 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
36 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
37 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
38 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
39 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**
40 **(Parts G, I, J, P, Q, R, S and W of the legal advertisement).**

41

1 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**
2 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**
3 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
4 **demolition that disturbs on acre or more of land or for any grading or demolition that is part of a**
5 **larger common plan of development in which one acre or more of land disturbance will occur, and**
6 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
7 **and C. Add required information to be provided in the application for a Grading and Demolition**
8 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
9 **Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General**
10 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
11 **Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations**
12 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**
13 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
14 **requirements related to Grading and Demolition Permits.**

15
16 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.

17
18 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
19 the witness register for that public hearing. He reminded the audience that when they sign the witness
20 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
21 time.

22
23 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.

24
25 Mr. John Hall, Zoning Administrator, distributed a new handout which is a table which responded to
26 comments received on the Draft Ordinance. He said that in some instances the table includes a staff reply
27 and in areas where the comment resulted in a change staff has tried to actually include the specific language
28 which was changed. He said that the fourth cell at the top of page 4 of the table indicates the following:
29 Regarding 4.2.E., could drainage districts be exempt as there is a statewide permit and conditions. Mr. Hall
30 said that the following will be inserted in Section 4.2, LAND DISTURBANCE activities by or for a
31 recognized Drainage District. He said that this may not be the exact language but staff does intend to add the
32 exemption for drainage district activities.

33
34 Mr. Hall stated that at the previous meeting regarding these cases there was a question regarding driveway
35 maintenance, which was a wonderful question because there are large areas of Champaign County where
36 there are no streets to many homes and there is only a shared driveway. He said that while making the
37 maintenance of those shared driveways require a permit would give them some incentive of making the
38 shared driveways a public road it is easier to exempt them which is consistent with what we do elsewhere.
39 He reminded the Board that in some portions of the County this will be pretty important.

40
41 Ms. Griest asked Mr. Hall if this exemption will only include shared driveways or will it include all

1 driveways.
2
3 Mr. Hall stated that it will include all driveways.
4
5 Mr. Hall stated that he had hoped to have a written document regarding the overall approach as to why we
6 are proposing so many options for the County Board but he was unsuccessful therefore tonight he would like
7 to provide a brief synopsis of that approach. He said that staff is only proposing the Grading and Demolition
8 Permit in the very slight chance that the County Board chooses to require compliance with ILR10 and if they
9 do then they should add the Grading and Demolition Permit. He said that if the County Board decides not to
10 require compliance with ILR10 outside of the MS4 area then he does not believe that adding a Grading and
11 Demolition Permit will provide any benefit. He said that most of the benefit for people who have neighbors
12 who are changing grades and regrading and doing things like that, most of the benefits will come in with
13 those minimum standards. He said that the minimum standards make it clear that you are not supposed to
14 cause erosion or sedimentation on to your neighbor and you are supposed to minimize it. He said that you
15 are not supposed to be changing drainage drastically or tracking mud on to the roads or if you do you are
16 supposed to clean it off. He said that these minimum standards are the kinds of things that are supposed to
17 help people. He said that there are no standards related to Grading and Demolition Permits and the only
18 reason why they were proposed was if the County Board wants to require ILR10 compliance.
19
20 Mr. Thorsland clarified that the Board will also take testimony at this time for Case 773-AT-14.
21
22 Mr. Hall stated that he could envision a table that could be added in as a Document of Record to help County
23 Board members in the future.
24
25 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.
26
27 Mr. Thorsland stated that the one thing that stood out was addressing the issue of the long private drives. He
28 said that roughly a standard drive has to be one-half mile before it is one acre. He said that there are not a lot
29 of these drives but there are some located in the County and some of those drives are shared drives with
30 other homes rather than one private home. He said that he believes that it is a good call to have something
31 addressing that because that is not the intent of the proposed permit to affect those things but has a lot more
32 to do with what the Board spoke about at the last meeting.
33
34 Mr. Hall stated that another thing that he did not hear any discussion about at the last public hearing was the
35 primary way to defuse the impact this regulation might be to change the minimum lot size in the AG and CR
36 Districts. He said that he does not know if Board members thought much about this proposal and if the
37 Board does not see this change as a benefit then that is fine but he just wanted to remind the Board that we
38 had mentioned it.
39
40 Mr. Passalacqua stated that the change to minimum lot size was .9 acre instead of 1 acre so that the lot would
41 fall under the wire.

1
2 Mr. Hall stated that Mr. Passalacqua was correct. He said that the .9 acre, by definition, would not be
3 disturbing one acre.
4

5 Mr. Thorsland stated that a lot of times there is a one acre lot and if you take away the road right-of-way,
6 which is hopefully not going to be disturbed either, the lot would fall into less than one acre of disturbance.
7 He said that his Board has had variances because a one acre lot was not a true one acre lot minus the right-
8 of-way. He asked if the density would be increased if the minimum lot size is reduced to .9 acre and what is
9 used as a definer because a corner lot in CR or AG would have two right-of-ways. He asked if having two
10 road right-of-ways would consider the minimum lot size and what standard frontage would be used.
11

12 Mr. Hall stated that he would also recommend reducing the frontage as well but most of the lots that we see
13 are 200 foot wide lots. He said that the statutory right-of-way width is 60 feet therefore it the center of the
14 right-of-way would be 30 feet on either side. He said that we do not consider the road right-of-way as part of
15 the minimum lot area so the minimum lot is not nearly one acre but 1.15 acres to make up for the right-of-
16 way. He said that the change that he was talking about was what is currently required, which is one acre, and
17 reduce it to something like .9 and there is still that .15 acre that is still right-of-way on the minimum size lot.
18 He said that there really are not that many minimum size lots in the County because most people want more
19 than one acre.
20

21 Mr. Thorsland asked Mr. Hall if the future impact of reducing the minimum lot size is very small but would
22 be big when it relates to this Ordinance and who requires a permit. He said that we could save the County
23 and staff a lot of time and people a lot of money if we consider changing the minimum lot size.
24

25 Ms. Griest stated that she disagrees. She said that Mr. Hall stated that there are so few lots coming in at the
26 one acre minimum that changing it from one acre to .9 acres is probably going to have a negative impact and
27 it seems not the best practice to change it just for the sake of changing it when the impact is not going to be
28 significant. She said that where we are seeing impacts requiring variances are on older lots that were
29 previously platted many years ago when the right-of-way was not taken out of the one acre minimum area.
30 She said that there are some lots out in the County that are platted that are not built upon that included the
31 right-of-way at one acre and now when they go to build the lot is already under the one acre of disturbed are
32 by counting it without the right-of-way.
33

34 Mr. Thorsland stated that if they strip the whole lot.
35

36 Ms. Griest stated that even if they strip all of the buildable area, when you take the right-of-way out of play
37 they have less than one acre to begin with.
38

39 Mr. Hall stated that he hates to be the bearer of bad news to the County Board unless he has a little bit of
40 good news to throw along with it because then it is not the County that is causing someone to have to put up
41 erosion controls on their lot. He said that the County would have done all it could to have reduced that

1 requirement but if those people still want their two acres graded to within an inch of its life then they have
2 the right to do that but we are not going to make them. He said that the County is going to make them have
3 .9 acre.
4

5 Mr. Thorsland stated that when we talk about the development of a five acre lot and someone wants to
6 construct a home many people want to claim a portion of the lot as agriculture so that they pay less in
7 property taxes. He asked Mr. Hall if the County has the less than one acre aspect then hopefully they will be
8 careful to not disturb less than one acre so that they do not trip the need for a permit.
9

10 Mr. Hall stated that if the County Board is not going to require compliance with ILR10 it is primarily a moot
11 point but there is still a state law that can be enforced by the IEPA and he would hope that we would at least
12 make people aware of the state law even though we do not require compliance. He said that the worst
13 situation would be not telling people that there is a law. He said that reducing the minimum lot size is
14 probably much less critical if the County Board is not going to require ILR10 compliance outside of the MS4
15 area.
16

17 Mr. Thorsland suggested that if a table is provided indicating if the County Board does or does not adopt
18 ILR10 compliance outside of the MS4 area and the impact of proposing or not proposing the .9 acre
19 requirement, such a table would be easier for the Zoning Board of Appeals, especially those members who
20 are absent tonight, and the County Board to see what has been considered and discussed.
21

22 Mr. Hall stated that he is not attempting to obtain a decision tonight but just wanted the Board to discuss the
23 option. He said a minimum lot size reduction would require a separate text amendment and legal
24 advertisement.
25

26 Mr. Thorsland stated that the Board may want to see just a little more about the driveways although the
27 direction that it is going appears to be perfectly acceptable to the Board. He said that staff previously
28 indicated that any enforcement regarding driveways would be complaint based anyway.
29

30 Mr. Hall stated that at this point it isn't even a question therefore any complaint received will not be valid.
31

32 Mr. Thorsland asked the Board if there were additional questions for Mr. Hall and there were none.
33

34 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony for
35 Cases 769-AT-13 and 773-AT-14 and there was no one.
36

37 Mr. Thorsland requested a continuance date for Cases 768-AT-13 and 773-AT-14.
38

39 Mr. Hall stated that July is a very busy month for staff but the two cases could be continued to the July 31st
40 meeting.
41

1 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the July 31, 2014,
2 meeting.

3
4 **Ms. Griest moved, seconded by Ms. Lee to continue Cases 769-AT-13 and 773-AT-14 to the July 31,
5 2014, meeting. The motion carried by voice vote.**

6
7 **6. New Public Hearings**

8
9 None

10
11 **7. Staff Report**

12
13 None

14
15 **8. Other Business**

16 **A. Review of Docket**

17
18 Mr. Hall stated that a case has been scheduled for the August 14th meeting although staff has not received the
19 application to date. He said that if we are very luck the case will not materialize but at this point, based on
20 the State’s Attorney’s Office determination it has been added to the docket. He said that he does not believe
21 that it will be a controversial case and he resents that we even have to have it as a case but it is our
22 jurisdiction therefore it is our case. He said that the case involves the solar farm located on the University of
23 Illinois’ property for the University of Illinois.

24
25 Mr. Hall stated that he was asked if the ZBA is always this busy and he responded by indicating that the
26 ZBA this year is nowhere as busy as it was last year at this time.

27
28 Mr. Thorsland requested that the Board notify staff of any vacations or anticipated absences from meetings.
29 He said that this information will assure that a quorum will be in attendance.

30
31 Ms. Griest stated that it is possible that she will not be in attendance for the July 17th meeting. She said that
32 she will confirm her attendance as soon as possible.

33
34 Mr. Passalacqua asked Mr. Hall if staff had any received any information regarding the contracting business
35 located on Market Street with the assumed residences inside of the building.

36
37 Mr. Hall stated that staff processed the Change of Use Permit and there was no reason to not approve it. He
38 said that the next step will be to complete the inspection.

39
40 Mr. Passalacqua asked Mr. Hall if staff requires copies of plumbing permits, etc.

41

1 Mr. Hall stated no.

2

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

4

5 None

6

7 **10. Adjournment**

8

9 Mr. Thorsland entertained a motion to adjourn the meeting.

10

11 **Ms. Griest moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
12 **vote.**

13

14 The meeting adjourned at 8:35 p.m.

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16

17

18

19 Respectfully submitted

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24 Secretary of Zoning Board of Appeals

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CASE NO. 781-S-14

PRELIMINARY MEMORANDUM

July 10, 2014

Petitioner: **United Prairie LLC**

Request: **Authorize expansion of existing Special Use Permit 676-S-10 to allow for the construction and use of a liquid fertilizer storage tank as part of a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility**

Location: **Lots 1, 2 and 3 of August Miller’s Subdivision, part of the southwest quarter of the northeast quarter of Section 34 Township 22N Range 8E in East Bend Township and commonly known as United Prairie LLC at 3056 CR 950 East in Dewey**

Site Area: **12 acres**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner United Prairie LLC requests an expansion of Special Use Permit 676-S-10 to construct and use a liquid fertilizer storage tank at its Dewey facility.

EXTRATERRITORIAL JURISDICTION

The subject property is not located 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 | Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer | AG-1 Agriculture |
| North | Agriculture | AG-1 Agriculture |
| East | Agriculture | AG-1 Agriculture |
| West | Single Family Residence | R-2 Single Family Residence |
| South | Agriculture | AG-1 Agriculture |

PROPOSED SPECIAL CONDITIONS

Regarding proposed special conditions of approval:

- A. The County Engineer approved a permit for driveway access on March 11, 2011. A Zoning Compliance Certificate for driveway access has not yet been issued on Zoning Use Permit #61-11-02. The following condition would verify that driveway access conditions comply with the Special Conditions from Zoning Case #676-S-10.

The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer's approval of any constructed driveway entrance including any necessary as-built engineering drawings.

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

All vehicles related to the proposed Special Use can safely enter and exit the subject property with adequate visibility and regardless of weather conditions.

- B. As specified in Special Condition B from Case 676-S-10, a Stormwater Drainage Plan was reviewed by independent consultant Vegryn, Sarver and Associates. In a letter received June 9, 2011, they state "the Storm Water Drainage Plan furnished by Foth for United Prairie Dewey is in substantial conformance with the Champaign County Stormwater Management Policy." A Zoning Compliance Certificate for as-built stormwater drainage has not yet been issued for Zoning Use Permit #61-11-02. The following condition would clarify the Board's expectation regarding submittal and approval of the stormwater drainage plan:

A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and review and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

The proposed Special Use Permit conforms to the requirements of the Stormwater Management Policy.

- C. Regarding the sealing of unused wells on the property, no evidence has been found regarding documentation as required in Special Condition C from Case 676-S-10. The following special condition would clarify the Board's expectation regarding unused wells:

Any private wells on the subject property shall be documented on the site plan and all unused wells shall be sealed. The Zoning Administrator shall not approve a Zoning Compliance Certificate for Phase 1 of the proposed Special Use Permit without documentation that all unused wells on the subject property have been sealed and the Champaign County Health Department has been notified.

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

Any unused wells on the subject property are protected from contamination.

D. Regarding compliance with the Illinois Accessibility Code and Illinois Environmental Barriers Act, Zoning Use Permit 61-11-02 states that “the proposed Phase 1 construction appears to comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act. Future construction will have additional accessibility requirements.” The following special conditions will ensure that the proposed special use will meet those requirements:

- (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act; and**
- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**

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

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

E. **The Zoning Administrator shall not approve a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit unless a copy of the required Agrichemical Facility Permit from the Illinois Department of Agriculture is provided.**

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

The proposed Special Use Permit meets applicable state codes for construction and use of an agrichemical facility.

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

- (1) **The Special Use shall at all times be operated in conformance with Illinois Department of Agriculture permit, and any special conditions thereof.**
- (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any**

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

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

The special conditions above are required to ensure the following:

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

- G. The development of the site must be substantially the same as indicated in the Site Plan submitted on April 30, 2014.**

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

That the development of the site is the same as described in the public hearing.

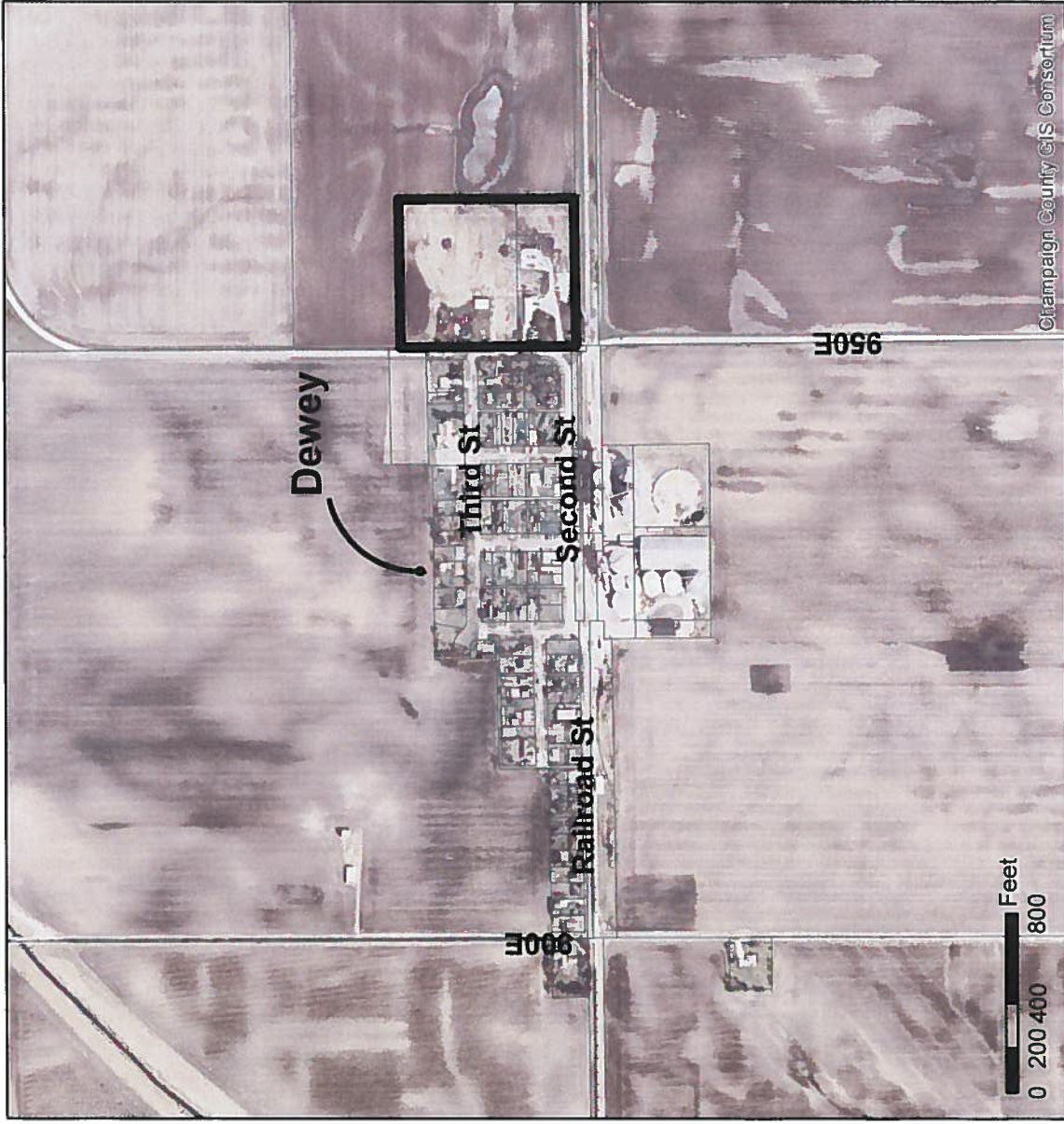
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning, Soils)
- B Site Plan received April 30, 2014
- C Email received July 2, 2014 from Jeff Blue, County Highway Engineer
- D List of Owners and Officers of United Prairie LLC received June 25, 2014
- E Copy of IDAG Application for Permit and Construction of an Agrichemical Facility received July 8, 2014
- F Site Visit Photos
- G Draft Summary of Evidence, Finding of Fact, and Final Determination


Location Map

Case 781-S-14
July 17, 2014

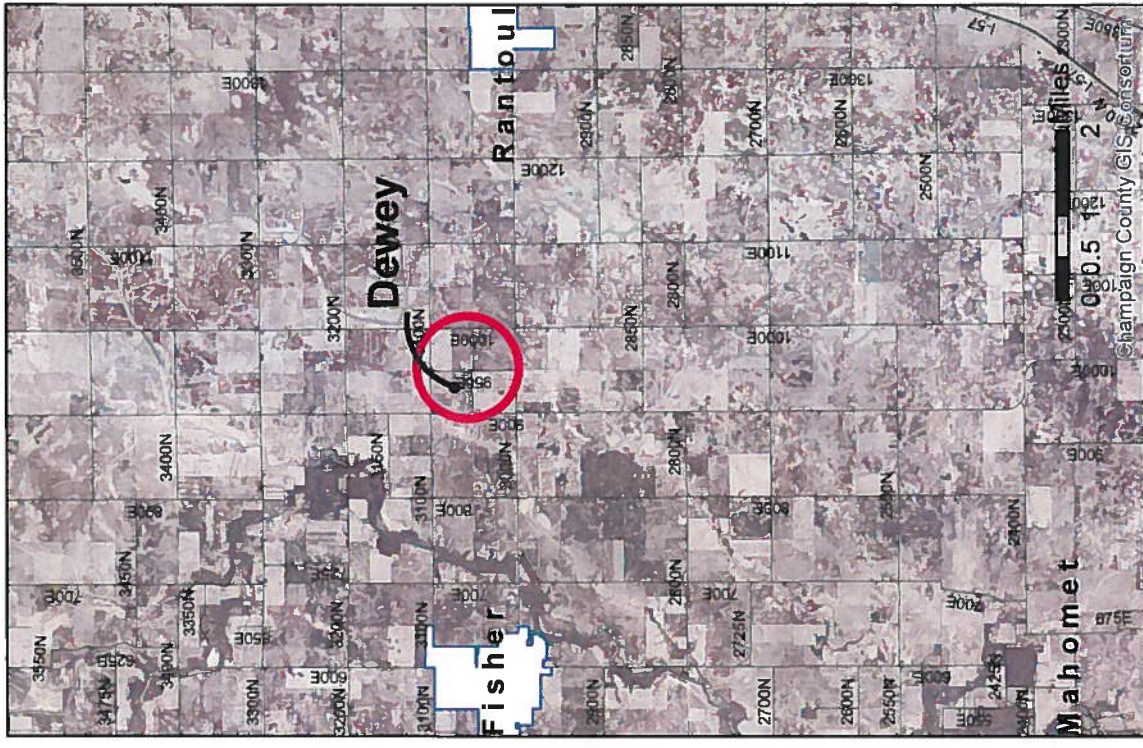
Subject Property



Legend

 United Prairie Subject Property

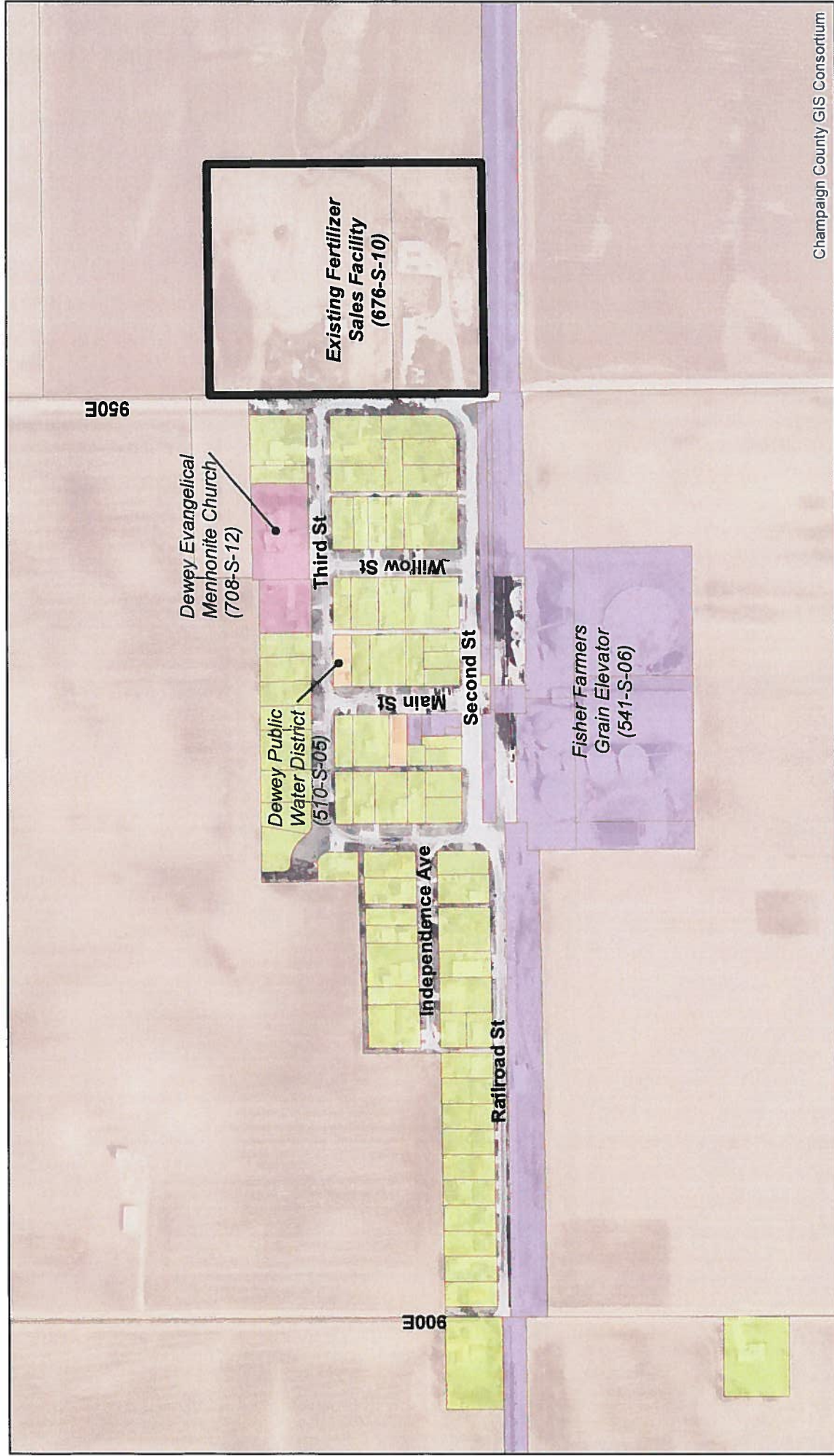
Property location in Champaign County



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 781-S-14
July 17, 2014



Champaign County GIS Consortium

Champaign County
Department of
PLANNING &
ZONING

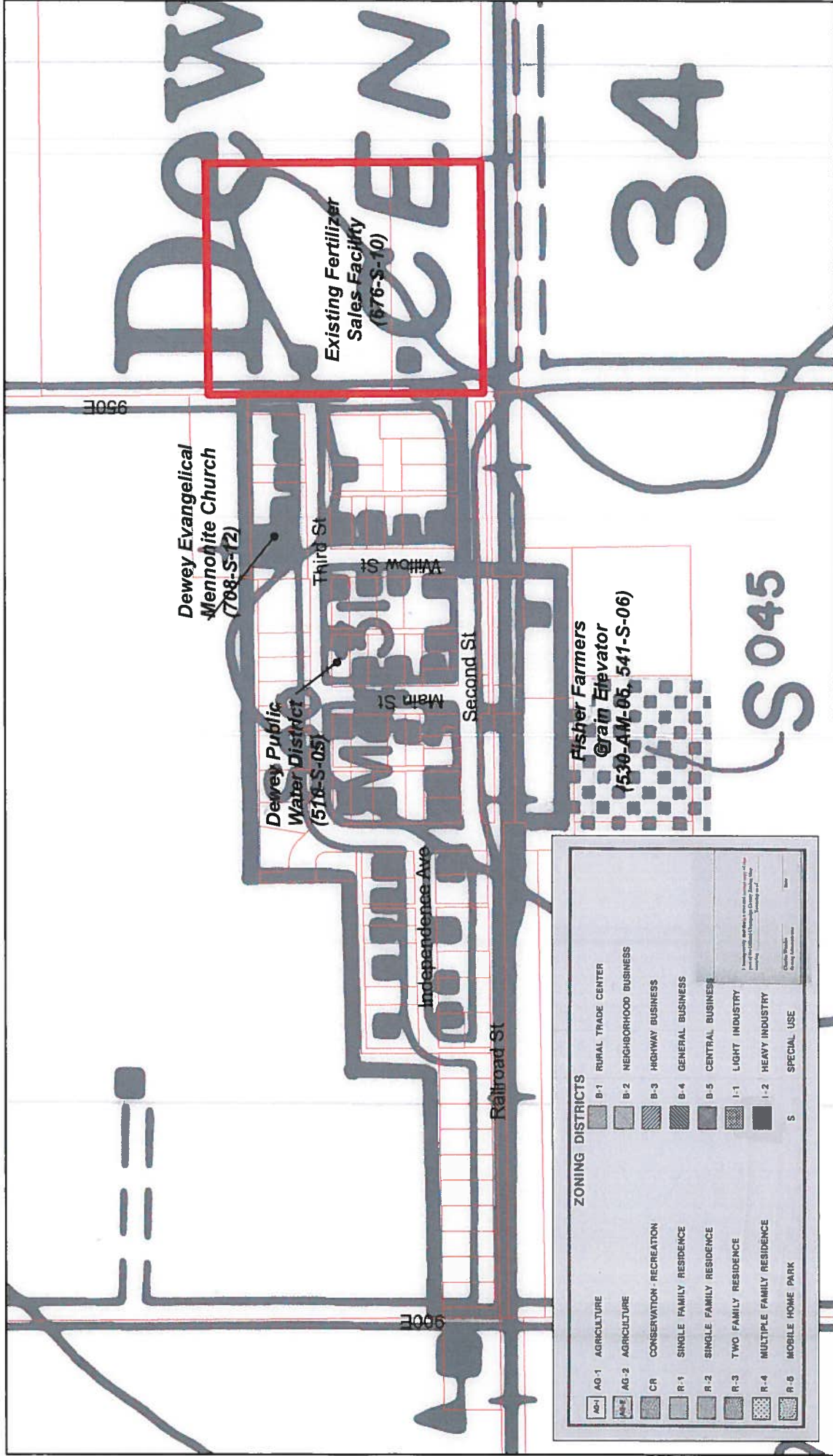


Legend

- Agriculture
- SF Residential
- Commercial/Rail
- Municipal
- Church

Zoning Map

Case 781-S-14
July 17, 2014



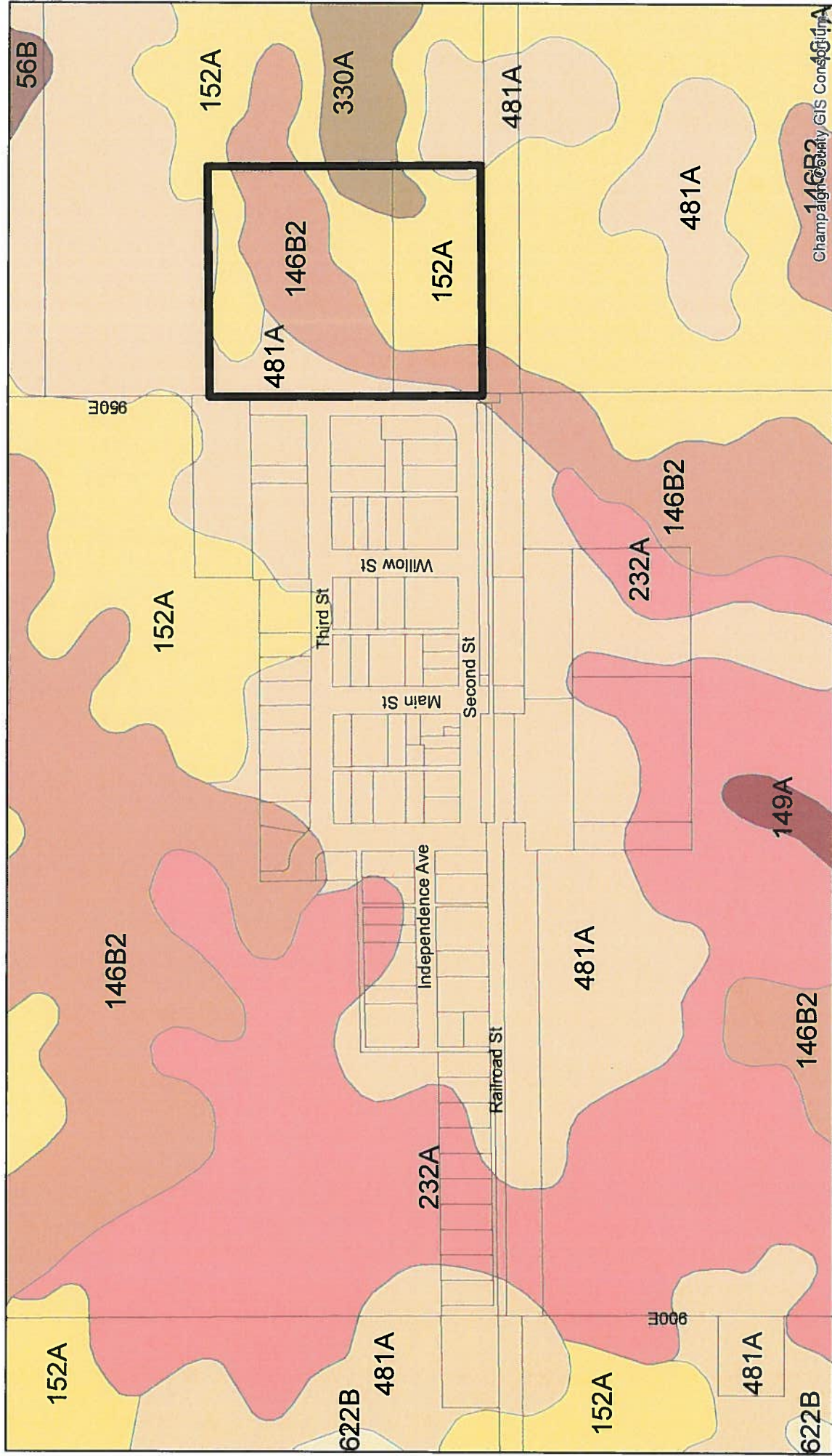
Champaign County
Department of
PLANNING &
ZONING



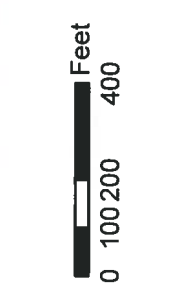
Legend
United Prairie Subject Property

Soils Map

Case 781-S-14
July 17, 2014

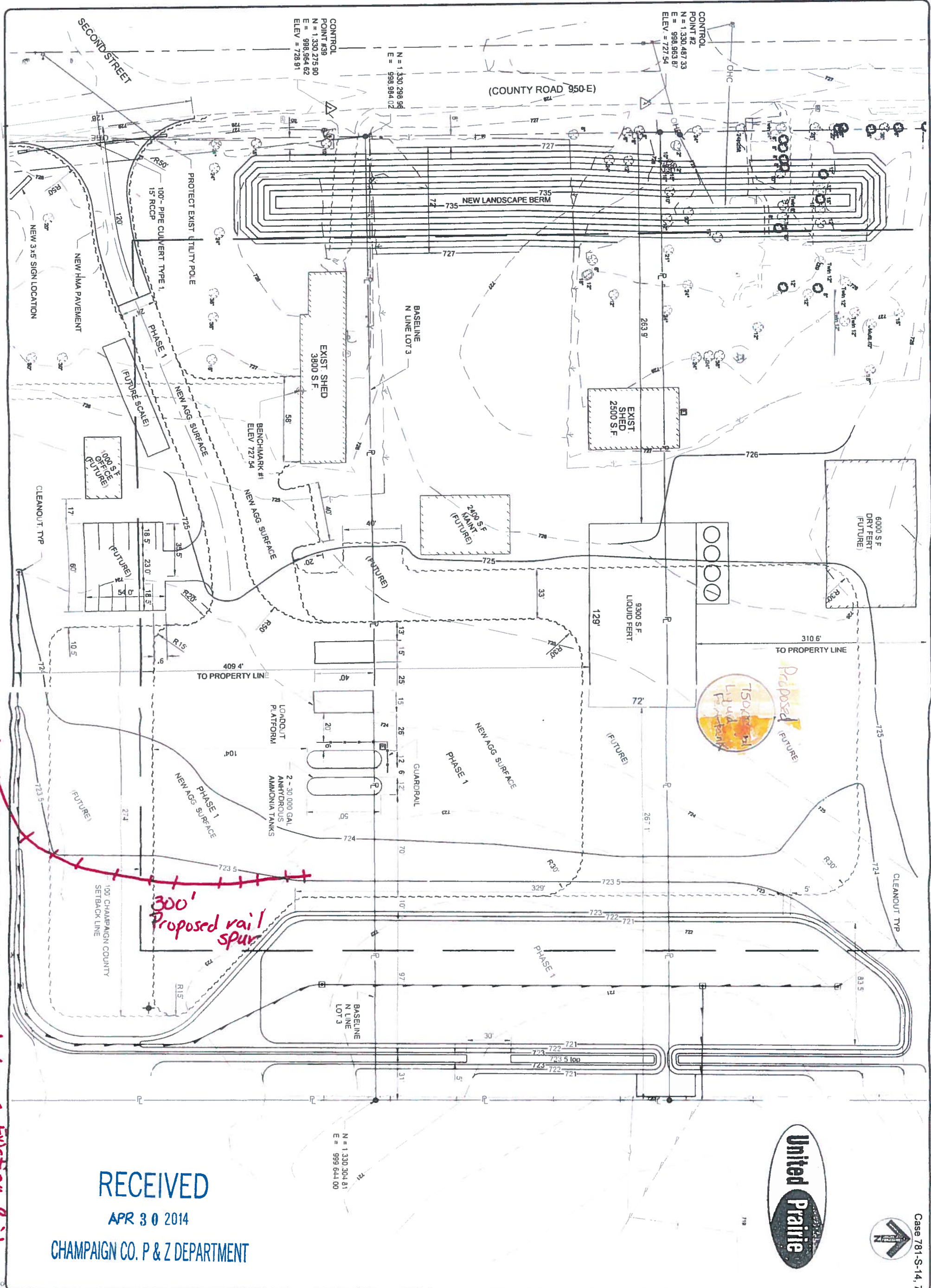


- Legend**
- United Prairie Subject Property
 - 146B2 Elliott Silty Clay
 - 149A Brendan Silt Loam
 - 152A Drummer Silty Clay
 - 232A Ashkum Silty Clay
 - 330A Peotone Silty Clay
 - 481A Raub Silt Loam
 - 56B Dana Silt Loam
 - 622B Wyanet Silt Loam



Champaign County
Department of
PLANNING &
ZONING

Champaign County GIS Consortium



← Existing Rail

RECEIVED

APR 30 2014

CHAMPAIGN CO. P & Z DEPARTMENT



| REVISIONS | | | |
|-----------|----|------|-------------|
| NO | BY | DATE | DESCRIPTION |
| | | | |
| | | | |
| | | | |

| | | | |
|----------------------|--|----------|--|
| Date of Preparation: | | BY: | |
| SURVEYED: | | DRAWN: | |
| DESIGNED: | | CHECKED: | |
| | | | |

DEWEY SITE IMPROVEMENTS
LOTS 1, 2 AND 3 IN



HORIZONTAL
NO
SHEET

SITE

RECEIVED

AUG 27 2011

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County
Planning & Zoning Department
Approved Site Plan

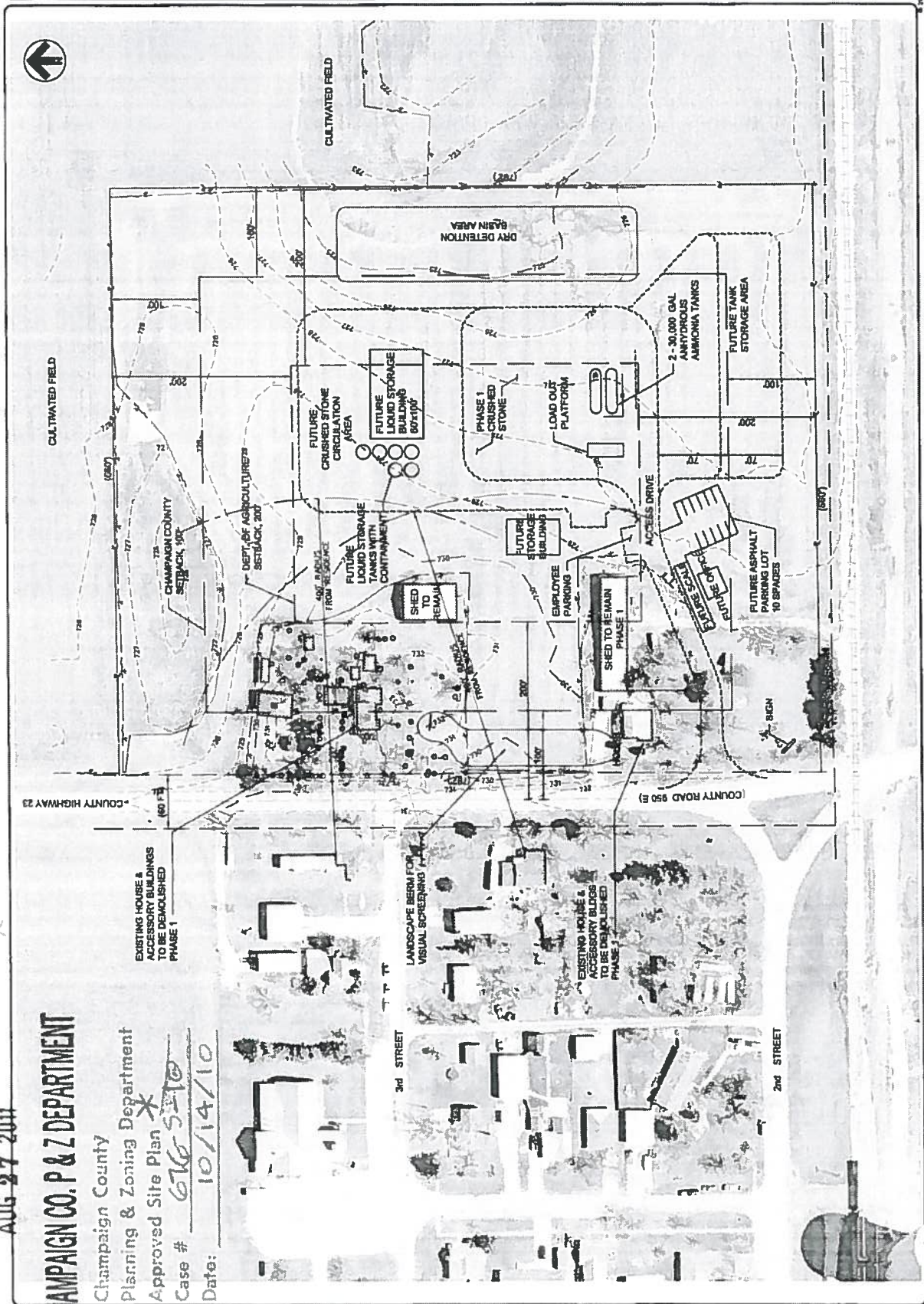
Case # 676510
Date: 10/14/10

Call Footh

Case 781-S-14, 7/17/14, Att C Page 1 of 1
at public hearing on 10/14/10

*A 60x100' seed, fertilizer and pesticide storage building was added

| | | | | | |
|---|--|--|--|--|--|
| <p>Footh North Infrastructure & Development, LLC Phone: 217.224.1100 Fax: 217.224.1101 www.footh.com</p> | | DEWEY ILLINOIS CHAMPAIGN COUNTY UNITED PRAIRIE AUGUST MILLER'S SUBDIVISION LOTS 1, 2 AND 3 IN DEWEY SITE IMPROVEMENTS | | RECEIVED DATE: _____ BY: _____ RECORDS DIVISION OF CHAMPAIGN COUNTY DATE: _____ BY: _____ | |
| REVISIONS NO. DATE DESCRIPTION 1 10/14/10 PHASE 1 2 10/14/10 PHASE 1 3 10/14/10 PHASE 1 4 10/14/10 PHASE 1 5 10/14/10 PHASE 1 | | TITLE DATE BY CHECKED DESIGNED DRAWN SCALE PROJECT NO. SHEET 1 OF 2 | | HORIZONTAL SCALE VERTICAL SCALE PROJECTED DATE | |



Susan Chavarria

From: Jeff Blue
Sent: Wednesday, July 02, 2014 10:28 AM
To: Susan Chavarria
Subject: RE: Zoning case: United Prairie LLC

I will be gone on the 17th, but we would not object to the special use permit.

From: Susan Chavarria
Sent: Wednesday, July 02, 2014 8:51 AM
To: Jeff Blue
Subject: Zoning case: United Prairie LLC

Hi Jeff,

United Prairie LLC in Dewey has a zoning case coming up. Here is the notice of the upcoming hearing on July 17th:

PUBLIC NOTICE

A petition requesting a Special Use Permit under the Champaign County Zoning Ordinance has been requested on a property in your jurisdiction. The petition is **Case 781-S-14** and requests the following:

Authorize expansion of existing Special Use Permit 676-S-10 to allow for the construction and use of a liquid fertilizer storage tank as part of a "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" facility on the following property:

A 12 acre tract in Lots 1, 2 and 3 of August Miller's Subdivision, part of the southwest quarter of the northeast quarter of Section 34 Township 22N Range 8E in East Bend Township and commonly known as United Prairie LLC at 3056 CR 950 East in Dewey.

The public hearing for this case will be held at the Champaign County Zoning Board of Appeals meeting on **Thursday, July 17, 2014, at 7:00 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois 61802. Arguments for and against said petition will be heard by the Zoning Board of Appeals at the above time. The hearing may be continued and reconvened at a later time. For more information regarding **Case 781-S-14**, contact the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, Illinois at **384-3708**.

Thanks,
Susan

Susan Chavarria, AICP
Associate Planner
Champaign County Planning and Zoning
1776 East Washington Street
Urbana, IL 61802
217-819-4086
www.co.champaign.il.us

Susan Chavarria

From: Tim Hughes [THughes@unitedprairie.com]
Sent: Wednesday, June 25, 2014 4:09 PM
To: Susan Chavarria
Subject: RE: Zoning special use permit case - information request [WARNING: SPF validation unavailable]

Sorry, I added the officers addresses below

Tim Hughes General Manager
P.O. Box Q, Tolono, IL 61880
217-485-6000 (office) 217-637-5207 (mobile)
www.unitedprairie.com



"Creating Partnerships to Enhance Productivity"

The content of this e-mail (including any attachments) is strictly confidential and may be commercially sensitive. If you are not, or believe you may not be, the intended recipient, please advise the sender immediately by return e-mail, delete this e-mail and destroy any copies.

From: Tim Hughes
Sent: Wednesday, June 25, 2014 4:03 PM
To: 'Susan Chavarria'
Subject: RE: Zoning special use permit case - information request [WARNING: SPF validation unavailable]

The LLC has two owners:

1. Premier Cooperative, Inc., 2104 West Park Court, Champaign, IL. 61821
2. Topflight Grain Cooperative 420 W. Marion, Monticello, IL 61856

Officers are:

Roger Miller, President 804 E. Boone, Tolono, IL 61880
William Schable, Vice President 1220 E. 400N, Atwood, IL 61913
Ron Meece, Secretary 1743 N 1400 E Rd., Monticello, IL 61856
Tim Hughes, General Manager, 808 E Jackson, Tolono, IL 61880

Please let me know if you need anything else.

Thanks

Tim Hughes General Manager
P.O. Box Q, Tolono, IL 61880
217-485-6000 (office) 217-637-5207 (mobile)
www.unitedprairie.com



"Creating Partnerships to Enhance Productivity"

Schedule A – AGRICHEMICAL FACILITY PERMIT

Facility Name United Prairie, LLC (Dewey Site)

| | | | |
|------------------|--------------|-------------------------|------------------|
| Project Location | <u>Dewey</u> | <u>3056 C.R. 950 E.</u> | <u>Champaign</u> |
| | City | Street Address | County |

This information is required for all Agrichemical Facility Permit Applications. The summary of specific parts of this information is requested on the back of this form.

1. **LOCATION AREA MAP** – Provide a location map of the area surrounding the facility. Identify the relative locations of the following on the map, or by notations, the distance and direction: a) All community wells within 1,000 feet and all private wells within 200 feet of the facility boundary; b) Surface water flow path to area lakes, streams or storm water drains; c) Residences, institutions, commercial businesses, and nearest city boundary; d) Notation of soil type and approximate groundwater depth at facility location. Preferably, this location map should be done on a copy from the U.S. Geological Survey Quadrangle Map, or the County Plat Book with adequate scale to show required details. **NOTE:** Setback requirements can be found in the Illinois Environmental Protection Act.

2. **PLOT PLAN** – Provide a plot plan showing all facility structures, storage tanks, facility well, connections to public water systems, storm sewers and drainage tile within property boundaries and use of adjacent property. Identify all containment structures and operational areas, including unloading, loading, mixing, repackaging, and equipment washing. Topography of property can be shown by contour lines or notation and arrows depicting surface water flow across and from facility. The plot plan should be drawn to a reasonable scale or adequately dimensioned.

3. **WATER SUPPLY/WELL PROTECTION PLAN** – Provide a schematic flow diagram of the facility water distribution system between facility well and/or public water system connection and all process or operational use points. Identify backflow protection (break-tank, fixed air gap, reduced pressure principle backflow valves) on the diagram.

4. **OPERATIONAL AND MANAGEMENT PRACTICES PLAN** – This requires a narrative description of the practices that will be employed at the facility for handling recovered materials, accumulated precipitation, and to minimize the volume of recovered materials generated. The following should be included:
 - a) List of types and amounts of agrichemicals handled and stored at the facility.
 - b) Methods of storage, reuse, or disposal and estimated quantity of solutions and solids recovered in the operational area containment and recovery system(s).
 - c) Methods for handling storm water collected in operational area and secondary containment systems. This may include practices to keep containment systems clean to prevent storm water contamination and special precaution taken to ensure contaminated storm water is not discharged. Define differences in practices employed off-season such as by-pass of operational area collection systems.
 - d) Methods utilized to minimize the collection or contamination of collected storm water, quantity of rinsates, solutions, and solids. These practices include use of pressure washers, rinsing and washing application equipment in the field, reducing operational spillage, containers to catch predictable spillage, diversion of roof and surface water flow, buildings or covers over containment systems, and management practices to minimize contamination of collected storm water.

Schedule A SUMMARY

Facility Name United Prairie, LLC (Dewey Site)

1. LOCATION AREA MAP included in application: (✓) Yes () No

Community Well(s) within 1,000 feet? (✓) No () Yes, _____ Feet

Private Well(s) within 200 feet? (✓) No () Yes, _____ Feet

Approximate Groundwater depth 100 Ft. Soil Type 146B2

Nearest Down Gradient Surface Water – Name of lake or stream and approximate distance: _____
Wildcat Slough is located approximately 2,800' north of the facility.

Distance in feet to nearest: Residence 300, Municipality 0,
Hospital 58,000, Institution 680, Commercial Business 21,000

2. PLOT PLAN is included in application: (✓) Yes () No.

Approximate size of facility property: 792 x 660 Feet

3. WATER SYSTEM PROTECTION Flow Diagram attached: (✓) Yes () No

Facility well at location? () No (✓) Yes, Depth 90 Feet

Connection to public water system? (✓) No () Yes

Indicate Backflow Protection type, E = existing or P = planned, and Installation date(s):

____ Break Tank (____/____/____)

E Fixed Air Gap (11 / 1 / 12)

E Reduced Pressure Principle Backflow Valve(s) (11 / 1 / 12)

4. OPERATIONAL & MANAGEMENT PRACTICES PLAN attached: () Yes (✓) No

List agrichemicals and approximate quantities handled and stored at facility:

See previously submitted agrichemicals list

Is your plan to reuse all recovered agrichemical materials for their original intended purpose and in accordance with the pesticide label when applicable? (✓) Yes () No

If no, please explain: _____

Do you wash application vehicles at the agrichemical facility site? (✓) Yes () No

Is a stormwater by-pass arrangement used or planned for your operational area containment? (✓) Yes () No

If no, please explain: : _____

Schedule E – PERMIT MODIFICATION SCHEDULE

Facility Name United Prairie, LLC (Dewey site) Permit Number AC12090820
Project Location Dewey 3056 C.R. 950 E. Champaign
City Street Address County

Section 255.50 requires that a Permit be amended prior to any facility modification. By definition "Modification" means changes in structures, processes, or activities at an agrichemical facility which alters the efficiency of containment structures or systems.

This includes any change that modifies the approved Permit design capability of secondary or operational area containment structures. An obvious example is a change or addition to storage tanks within the containment area resulting in increased tank base displacement volume or increased volume for the largest tank. Always check with the Department relative to the need for Permit Modification when considering changes in facility structures or activities covered by the rules in Part 255.

1. APPLICATION FOR PERMIT MODIFICATION: Complete the Application for Permit & Construction Approval form with appropriate approval signatures and submit along with this schedule. Configuration changes in containment structures may require amendment to previous drawings and/or the related schedule. In many cases the facility modification can be adequately covered on this schedule.

2. REFERENCE TO EXISTING PERMIT: Schedule C Drawing Number 12-24517

Description of containment structure or system involved: The facility is proposing a steel tank for storing 32%. The tank will have an internal 40 mil PVC liner and will not require additional secondary containment. No changes to the previously approved application are proposed.

3. STORAGE TANK CHANGES: Describe tank change: See above

Containment Capacity: Existing 3,030 gal. Modified 3,030 gal.

Minimum capacity required by Section 255.80(b) 3,000 gal.

4. OTHER MODIFICATION: Describe the planned changes: (If additional space is needed, attach a separate sheet)

The facility is also proposing a 10' x 10' concrete pad with sump for the unloading of trucks into the proposed storage tank. The proposed sump contains the required 25 gallons of storage.

Describe the change in structure or system efficiency: (If additional space is needed, attach a separate sheet)
N/A

Schedule B SUMMARY

Facility Name United Prairie, LLC (Dewey site)

1. ENGINEERING PLANS AND SPECIFICATIONS are provided for systems checked:

Loading area containment

Unloading area containment

List Other Systems _____

2. LOADING AREA CONTAINMENT CAPACITY – Provide gallons for each:

Capacity of largest vehicle tank loaded See previous submittal

Volume of 6" rain storm on exposed containment area _____

Total capacity of containment structure and sumps _____

Available collection tank capacity with automatic transfer _____

Capacity of largest mixing tank or make-up tank over pad..... _____

3. COLLECTION AND RECOVERY SYSTEM FLOW DIAGRAM

Number of recovery storage tanks _____ Capacity of each See previous submittal

Are provisions provided for stormwater by-pass? () Yes () No

4. UNLOADING AREA CONTAINMENT – Describe system used and note drawing number: The facility is proposing a 10' x 10' concrete pad with sump for unloading into the proposed 32% storage tank.

5. MIXING AND REPACKAGING AREA CONTAINMENT – Describe systems and note drawing number(s):

Not Applicable

6. WASHING AREA CONTAINMENT – Describe methods and note drawing number(s): See previous submittal

7. TRANSFER STRUCTURES – Are any below grade structures used for spill collection in the containment systems? (✓) No () Yes, check type below and provide details including capacity and material of construction.

Scale Pit _____

Below Pad Tank _____

Gravity Fill Tank _____

Other: _____

8. CONSTRUCTION TIME SCHEDULE DATES:

Start Date: (8 / 1 / 14)

Completion Date: (9 / 15 / 14)

Operational Date: (9 / 15 / 14)

Schedule C – SECONDARY CONTAINMENT PLAN

Facility Name United Prairie, LLC (Dewey site)
 Project Location Dewey 3056 C.R. 950 E. Champaign
City Street Address County

Documents and information required by this schedule are to verify that the secondary containment structure and capacity conforms to the requirements of Section 255.80. Indicate the secondary containment plans submitted in this schedule by checking the agricultural storage system(s) below:

- Bulk Pesticide Tanks
- Liquid Fertilizer Tanks less than 100,000 gallons
- Liquid Fertilizer Tanks 100,000 gallons or larger
- Pesticide Mini-Bulk Warehouses or Optional Spill Response Plan

1. **ENGINEERING PLANS AND SPECIFICATIONS:** Provide plan and elevation drawings with overall and component dimensions and elevations referenced to single facility bench mark. Include cross-sections to indicate construction details, elevations, and dimensions of walls, floor, sumps and all other piping and components. Identify all materials and applicable construction specifications. Note manufacturer, trade name of all synthetic liners or prefabricated materials and provide written confirmation of compatibility and estimate of life expectancy from the manufacturer. When necessary, to prevent tank flotation, show details of anchoring method.
2. **STORAGE TANK SCHEDULE:** Show location and assigned tank number of each storage tank within the secondary containment on the plan view. Provide tank capacity, dimensions, and the product contained in each tank on the plan view or by tank schedule referencing tank numbers. Illustrate provisions for placement of future tank(s) by broken lines.
3. **SECONDARY CONTAINMENT CAPACITY:** Note the following on the drawing: a) The minimum required containment capacity to satisfy Section 255.80(a) for current storage tanks; b) the actual containment volume in gallons provided; and c) Specific provisions for future tank(s) within the containment.
4. **MINI-BULK WAREHOUSE:** A drawing of warehouse containment is required unless an optional immediate spill response plan is used. Describe containment or spill response plan on schedule summary form. Also list products currently or intended to be stored in mini-bulk containers, including the largest container size.
5. **CONSTRUCTION TIME SCHEDULE:** Provide approximate dates (on the summary form) that construction will begin, be completed and put in operation.

NOTE: Complete a copy of the Schedule C Summary Form on the back of this schedule for each separate secondary containment structure.

Schedule C SUMMARY

Facility Name United Prairie, LLC (Dewey site)

Secondary Containment For Liquid Fertilizer

1. ENGINEERING PLANS & SPECIFICATIONS

Material(s) of construction Mild Steel & 40 Mil PVC liner

2. STORAGE TANK SCHEDULE: Complete table below. If additional space is needed, attach a separate sheet.

| Tank No. | Product | Capacity Gal. | Dimensions Dia. x Ht. | Material of Construction |
|----------|------------------------|---------------|-----------------------|--------------------------------|
| 1-12 | See previous submittal | | | |
| 13-16 | See previous submittal | | | |
| 17 | 32% Nitrogen | 1,000,000 | 67' x 40' | Mild Steel w/ 40 Mil PVC liner |
| | | | | |
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3. SECONDARY CONTAINMENT CAPACITY:

Minimum required capacity N/A gallons

Facility design capacity _____ gallons

Containment dimensions: Length _____ ft.; Width _____ ft.; Height _____ ft.

Provisions for future tanks? () No () Yes, Number and Size? _____

4. MINI-BULK WAREHOUSE protection? Containment Spill Response

Describe (If additional space is needed, attach a separate sheet):

See previous submittal

List Products Stored in Mini-Bulk: See previous submittal

Largest Container Size 250 Gallons. Product varies

5. CONSTRUCTION TIMETABLE DATES:

Start Date: (8 / 1 / 14)

Completion Date: (9 / 15 / 14)

Operational Date: (9 / 15 / 14)

INSTRUCTIONS
Application for Permit & Construction Approval – Agrichemical Facility

The Application for Permit & Construction Approval form and Schedule A must be submitted by all applicants. Other Schedules that are applicable to the operations at each agrichemical facility must also be submitted. The Schedules that may be required are:

- Schedule B – Operational Area Containment
- Schedule C – Secondary Containment
- Schedule D – Dry Fertilizer Storage, Handling, and Blending
- Schedule E – Permit Modification
- Schedule F – Experimental Secondary Containment
- Schedule G – Trust Disclosure

Two sets of the complete application must be submitted. Approval signatures on at least one submittal must be original. The application should be submitted by cover letter on a company letterhead. All data and information should be typed or legibly printed in ink. All pages should be numbered and organized in the following sequence:

1. Submittal cover letter
2. Application for Permit & Construction Approval
3. Schedule A – Agrichemical Facility Permit
4. Location Area Map
5. Plot Plan of Facility
6. Flow Diagram – Water System Protection
7. Operational and Management Practices Plan
8. Schedule B – Operational Area Containment – OC
9. Engineering Plans and Specifications – OC
10. Flow Diagram – Collection and Recovery System
11. Schedule C – Secondary Containment – SC
12. Additional Schedule C Summaries
13. Engineering Plans and Specifications – SC
14. Schedule D – Dry Fertilizer Storage, Handling and Blending
15. Process Flow Diagram – Dry Fertilizer Operations
16. Other Schedules (E, F, and/or G)

Engineering Drawing 5, 9 and 13 may be more conveniently grouped as the last section. These drawings are often applicable to more than one schedule. In some cases one plan view may cover both operational and secondary containment systems. In this situation reference the drawing number on the schedules.

Application Delay for Specific Schedules: If you are not submitting plans for a specific schedule with your application, this should be clearly stated in your cover letter and noted in the comment section of the application form. Estimate the date that a permit modification will be submitted to cover the schedule.

Each permit application must provide sufficient information to allow the Department to conduct an independent engineering review to determine if the containment systems, structures, and operational practices planned will result in compliance with the applicable rules of Part 255. The information requested on each schedule is required for a reliable review of your plans.

As with any contemplated construction project, local units of government such as the county zoning commission should be contacted concerning local laws and regulations, especially flood plain requirements, so that plans might be adjusted as necessary.

These instructions and those on each schedule should allow you to prepare the permit application. Contact the Department of Agriculture at 217/782-2427, if you have questions. Submit the permit application to:

Agrichemical Facility Permit, Illinois Department of Agriculture
Bureau of Environmental Programs
P.O. Box 19281 – State Fairgrounds
Springfield, Illinois 62794-9281

APPROVALS OF APPLICATION FOR PERMIT

1. Certification of Engineering Plans and Specifications:

a) Certificate by Applicant or Employee of Applicant

I hereby certify that I am familiar with the information contained in this application, the attached schedules, and that to the best of my knowledge and belief such information is true, complete, and accurate, and the engineering plans and specifications were prepared by me or a permanent employee under my direction.

Name Dennis J Bates Title Operation Manager
 Signature Dennis J Bates Date 6/19/2014

b) Certificate by Design Engineer

I hereby certify that I am familiar with the contents of this application and the rules Part 255 Agrichemical Facilities, that the design of facility containment systems conforms to the requirements of the rules, and the engineering plans and specifications were prepared by me or under my direction.

Engineer _____
 Name Registration No. Seal
 Firm _____
 Address _____ Telephone No. _____
 Signature _____ Date _____

2. Certification of Application for Agrichemical Facility Permit:

Certificate by Applicant(s)

I/We hereby certify that I/We are familiar with the contents of this application, the attached schedules, and am/are authorized to sign this application in accordance with Section 255.50(b) of the rules. I/We agree and understand that conditions of Permit Approval are that I/we construct and operate the containment system(s) as submitted in this application and conform to all requirements of Part 255.

Authorized Applicant:

Name Dennis J Bates Title Operation Manager
 Signature Dennis J Bates Date 6/19/2014
 Company Name UNITED PRIME LLC

For Department Use Only:
 Log No. _____
 Operator: _____
 Date Received IDOA: _____

Illinois Department of Agriculture
 Springfield, Illinois

APPLICATION FOR PERMIT & CONSTRUCTION APPROVAL
 Agrichemical Facility

Registration Number _____

Name United Prairie, LLC Telephone (217) 897-1525

Mailing Address 3056 C.R. 950 E. Dewey, IL 61840

Street and/or P.O Box City, State, Zip Code

Facility Location Dewey IL 61840

City State ZIP Code

NE 34 22-North 8-East 3rd

Quarter Section Township Range P.M.

Manager/Operator's: Name Tim Hughes

Facility Owner(s): Name United Prairie, LLC

Mailing Address ~~7061 E. 850 North Rd., Fairmount, IL 61841~~ 929 CR 700 N Tolono, IL 61880

This Application for Permit and Construction Approval is to verify that proposed plans conform to the requirements of the rules 8 ILLINOIS ADMINISTRATIVE CODE, Part 255 Agrichemical Facilities. Please check the appropriate boxes to fully describe the nature of the project.

- New Application Renewal Application for Permit No. _____
 Existing Facility New Facility Experimental Permit
 Innovative Design Permit Modification to Permit No. AC12090820

DESCRIPTION OF PROJECT: Documents submitted as a part of this application cover the agrichemical facility items checked below: Complete Schedule A and all other applicable Schedules along with the associated requirements for each as an attachment to the permit application.

- Schedule A. Site Plot Plan & Area Map, Operational and Management Practices Plan, Water Supply/Well Protection Plan
 Schedule B. Operational Area Containment and Recovery System Plan Schedule
 Schedule C. Secondary Containment Plan Schedule
 Schedule D. Dry Fertilizer Storage, Handling, and Blending Plan Schedule
 Schedule E. Permit Modification Schedule
 Schedule F. Experimental Permit or Other: _____
 Schedule G. Trust Disclosure

COMMENTS (If additional space is needed, attach a separate sheet)
The facility is proposing to add a 67' diameter x 40' tall steel tank with 40 Mil PVC internal liner to store 32%. The facility is also proposing a 10' x 10' unload pad for trucks to fill the proposed 32% tank. No other changes to the existing permit are proposed.

781-S-14 United Prairie LLC Images



Road facing SE, United Prairie in middle



Road facing S, United Prairie on left

781-S-14 United Prairie LLC Images



Road facing SE, United Prairie in middle



Road facing S, United Prairie on left

781-S-14 United Prairie LLC Images



Across from entrance facing E



Middle of property facing N

781-S-14 United Prairie LLC Images



On railroad tracks facing E



South end facing NE

781-S-14 United Prairie LLC Images



South end facing N



South end facing N

781-S-14 United Prairie LLC Images



Southeast corner facing SE



East end facing S

781-S-14 United Prairie LLC Images



East end facing SW



East end facing W

781-S-14 United Prairie LLC Images



East end facing W



East end facing NW

781-S-14 United Prairie LLC Images



East end facing N



East end facing NE

781-S-14 United Prairie LLC Images



East end facing E



North shed facing N

781-S-14 United Prairie LLC Images



North shed facing N



North shed facing N

781-S-14 United Prairie LLC Images



North shed facing E - proposed tank location



North shed facing S - proposed tank location

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

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

Date: ***{date of final determination}***

Petitioners: United Prairie LLC

Request: Authorize expansion of existing Special Use Permit 676-S-10 to allow for the construction and use of a liquid fertilizer storage tank as part of a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 17, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner United Prairie, LLC, is owned by Premier Cooperative and Topflight Grain, who own the subject property.
2. The subject property is a 12 acre tract in Lots 1, 2 and 3 of August Miller's Subdivision, part of the southwest quarter of the northeast quarter of Section 34 Township 22N Range 8E in East Bend Township and commonly known as United Prairie LLC at 3056 CR 950 East in Dewey.
- *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.

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 a 12 acre tract zoned AG-1 Agriculture and is in use as a farm chemicals and fertilizer sales business, including incidental storage and mixing of blended fertilizer, as authorized in previous Case 676-S-10.
 - *B. Land to the north, east, and south of the subject property is zoned AG-1 Agriculture and is in use as farmland.
 - *C. Land to the west of the subject property is in Dewey, is zoned R-2 Single Family Residence and is in use as single family dwellings.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received April 30, 2014 and documentation from previous Zoning Case # 676-S-10 indicate the following existing and proposed improvements:
 - * (1) The site plan received on August 27, 2011 for case 676-S-10, indicates that Phase 1 improvements included the following:
 - * (a) Removal of an existing house and seven associated outbuildings on the northern part of the subject property.
 - * (b) Removal of an existing house on the southern part of the subject property.
 - * (c) Two existing sheds, one on the northern part of the subject property and one on the southern part, near the proposed access drive are proposed to remain

*Identical to previous Case 676-S-10

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on the subject property until they are removed in Phase 2 after a future storage building has been constructed.

- * (d) Two 30,000 gallon anhydrous ammonia storage tanks in the southeast quarter of the site;
 - * (e) A load out platform just west of the proposed ammonia storage tanks;
 - * (f) A dry detention basin along the east property line;
 - * (g) A sign in the southwest corner of the property;
 - * (h) An access drive in the southeastern portion of the site, which is an extension of the north leg of the CH 23 and Second Street intersection.
 - * (i) A vehicle circulation area paved with crushed stone, which will only be large enough to surround the proposed anhydrous storage tanks and load out platform in Phase 1, but will be expanded in Phase 2.
 - * (j) A landscaped berm for visual screening on the west side of the property. No information has been provided regarding the height of the proposed berm.
- (2) The site plan received on August 27, 2011, indicates that Phase 2 improvements included the following:
- * (a) A future office and scale located on the south side of the access drive, west of the circulation area that will surround the storage tanks;
 - * (b) Six future liquid storage tanks with containment located north of the anhydrous ammonia storage tanks;
 - * (c) A future 6,000 square feet liquid storage building located just east of the liquid storage tanks;
 - * (d) A future storage building located on the west side of the vehicle circulation area, between the anhydrous tanks and liquid chemical storage;
 - * (e) An asphalt parking lot with 10 spaces near the future office and scale in the southern portion of the site.
 - * (f) The expansion of the paved vehicle circulation area to include the area around the liquid chemical storage building and tanks, as well as a future tank storage area south of the anhydrous storage tanks.
- (3) A proposed new 60' by 40' liquid solution storage tank to be constructed on the northeast corner of the 6,000 square foot liquid fertilizer building.

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- B. Previous Zoning Use Permits on the subject property are as follows:
- (1) Zoning Use Permit # 61-11-02 was approved on 3/16/11 to construct the two 30,000 gallon anhydrous ammonia storage tanks mentioned in part 5.A.1.d above; a load out platform just west of the proposed ammonia storage tanks mentioned in part 5.A.1.e above; and a sign in the southwest corner of the property mentioned in part 5.A.1.g above.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
- A. Section 5.2 authorizes "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" as a Special Use only in the AG-1 and AG-2 Zoning Districts, and by-right in the B-1, B-5, I-1, and I-2 Zoning Districts.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) 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.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) 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.
 - (2) Subsection 6.1.3 does not indicate any standard conditions that apply specifically to Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer. However, it does include standard conditions for Fertilizer Manufacturing and Bulk Storage, which require a 100 feet separation from all lot lines.

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- (3) The description of the proposed facility as a retail fertilizer facility and the testimony that there will be no fertilizer manufacturing on the subject property indicated that Farm Chemicals and Fertilizer Sales was a more appropriate description for the proposed Special Use.
- 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) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (4) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;

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- c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (5) “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.
- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) “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.
- (13) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.

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- (14) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (15) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (16) “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.
- (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (18) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (19) “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.
- 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 except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

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- (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (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.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. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances 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.

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- (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- 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:
- A. The Petitioner has testified on the application received April 30, 2014, **“Cultural practices are changing the demand for nitrogen solution as a best management plan for a more stable nitrogen source. The access to rail enables U.P. to bring in up to 4,000 tons of solution. This would eliminate 200 loads of truck traffic.”**
 - B. The following evidence is from the previous zoning case on the subject property, Case 676-S-10:
 - * (1) The Petitioner has testified on the application, **“There is market demand for a fertilizer facility in Dewey and surrounding area and this site was chosen as a convenient location for customers of United Prairie. Proposed site has immediate access to Co. Hwy. 23, a permitted truck route for semis that provide product for the immediate and long term operation. The site is located 0.5 mile North of U.S. 136 and there is rail access at the site for potential future product delivery. Proposed site is within close proximity to existing agricultural facilities/operations with elevator owned by Premier Co-Op, a sister company of United Prairie.”**
 - * (2) The petitioner’s engineer provided additional information in an email on October 5, 2010, as follows:
 - * (a) The United Prairie Board directed staff to find a suitable site as near to Dewey as possible.
 - * (b) The initial purchase agreement was for the two northern lots of the subdivision (8 acres). During the site plan layout, it became apparent that the proposed use would be more compatible with the residential neighbors to the west side of CH 23 if the additional acreage were added to allow the entrance to the facility be an extension of the northern leg of the 2nd Street

*Identical to previous Case 676-S-10

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intersection with CH 23. It is noted that the proposed uses will fit onto the northern 8 acre footprint.

- *(c) Other sites were considered by staff, but this site was selected because of the availability of the property and relative position to rail and the Dewey elevator owned by the United Prairie parent company, Prairie Coop.
- *(d) It is judged that this operation will be economically viable, based on proforma projections of other facilities that exceeded expectations. For example, the (one-year old) Jamaica facility had an initial program for 300 tons projected, with actual use resulting in 1,025 tons the first year of operation.
- *(e) There are approximately 10 grower customers of United Prairie from the surrounding area that are currently being served from the facility located in Tolono, 30 miles to the south.

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, **“The proposed tank will have an internal bladder to comply with containment regulations set forth by IL Department of Agriculture and EPA. It will be inspected regularly by certified Personnel. It will have a leak detection system in place at the time of construction.”**
 - *B. Regarding surface drainage, the following evidence was provided as part of previous Case # 676-S-10:
 - *(1) The subject property primarily drains overland to the east; a small portion on the west side of the property appears to drain to the west presumably to the CH 23 road ditch.
 - *(2) There appears to be a depression on the north part of the subject property.
 - *(3) The proposed site plan indicates a proposed dry stormwater detention basin located on the lowest part of the subject property near the east lot line.
 - *(4) The petitioner’s engineer has testified that there is enough room on the subject property to provide for a basin, and that the proposed Special Use Permit will comply with the Champaign County Stormwater Detention Policy.

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- *C. The subject property is accessed from County Highway 23 on the west side of the property. Regarding the general traffic conditions on County Highway 23 at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- * (1) The Illinois Department of Transportation's Manual of Administrative Policies of the Bureau of Local Roads and Streets are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The Manual indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
 - * (a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - * (b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - * (c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - * (d) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
 - * (e) The pavement of County Highway 23 is approximately 24 feet wide where it passes the subject property.
 - * (2) The Illinois Department of Transportation's Manual of Administrative Policies of the Bureau of Local Roads and Streets general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
 - * (3) 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 Annual Average Daily Traffic (AADT). The most recent (2006) AADT data in the vicinity of the subject property are as follows:
 - * (a) County Highway 23 has 275 AADT where it passes the subject property and 500 AADT south of the railroad tracks.
 - * (b) Second Street in Dewey has 400 AADT as it approaches the intersection with CH 23.
 - * (4) The relevant geometric standards for visibility are found in the Manual of Administrative Policies of the Bureau of Local Roads and Streets prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to "minimum stopping sight distance". Design speed determines what the recommended distance is. In regards to the proposed Special Use Permit there are no concerns related to stopping sight distance.

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- * (5) It is unclear what the increase in AADT will result from the proposed use, but County Highway 23 has a large amount of capacity to absorb any increase from the proposed use.
- * (6) County Highway 23 meets the definition of a COLLECTOR STREET in the Zoning Ordinance.
- * (7) The Township Highway Commissioner was notified of this case, but no comments have been received.
- * (8) Jeff Blue, County Engineer, was notified of this case and provided the following comments in an email received on September 30, 2010:
 - * (a) He is not sure if there is any stop control at the intersection on 2nd and County Road 23. He is concerned that someone heading east on 2nd street that is taking the curve to go north on County Highway 23 could conflict with someone in the driveway if the Second street vehicle is not stopped by a stop sign.
 - * (b) It would be preferable if the Village of Dewey was to install a stop sign to help out with the conflict point or the driveway was moved further to the North.
- * (9) A special condition has been proposed to require the County Engineer's approval of the proposed access drive.
- (10) Jeff Blue, County Engineer, was notified of the proposed expansion of Case #676-S-10 and provided the following comments in an email received on July 2, 2014: the Highway Department would not object to the special use permit.
- *D. Regarding fire protection of the subject property:
 - * (1) The subject property is within the protection area of the Sangamon Valley Fire Protection District and is located approximately 0.3 road miles from the fire station.
 - * (2) The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- *E. The subject property is not located within a Special Flood Hazard Area, as indicated by FIRM Map Panel No. 170894 0050 B.
- *F. Regarding subsurface drainage, the subject property does not appear to contain any agricultural field tile, and any tile that is discovered on the subject property will have to be protected as per the requirements of the Stormwater Management Policy.

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- *G. Regarding hours of operation and numbers of employees:
- * (1) The hours of operation of the proposed Special Use Permit will be 7 AM to 4 PM, except that during peak seasons (six weeks in the spring and fall) the hours will be 5:30 AM to 8 PM.
 - * (2) There will be one to four flex employees during Phase 1, and five to seven full time with five to seven additional workers during seasonal peak times once the project has been completed.
- *H. Regarding wastewater treatment and disposal on the subject property:
- * (1) The existing homes on the subject property are being removed as part of the first phase of the proposed Special Use.
 - * (2) There is no information regarding any new onsite wastewater management system.
 - * (3) In an email received on October 5, 2010, the petitioner's engineer indicated that, "Any well construction or wastewater provisions will be designed and permitted by the Champaign County Department of Public Health and the Illinois Environmental Protection Agency (if pumping rates warrant)."
- *I. Regarding parking for proposed Special Use Permit, see Item 9.B.(2)
- *J. 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.

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- * (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. No new buildings are proposed as part of the Phase 1 improvements to the subject property, so it appears that Phase 1 conforms to the IEBA requirements. However, the future office and future liquid storage building would both be required to comply with IEBA.
 - * (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 is 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.
- *K. Safety concerns are addressed by required separations which are reviewed in Item 9.
- *L. Any unused wells on the subject property should be sealed as required by the Champaign County Health Department. A special condition has been proposed to ensure that existing wells on the property are sealed.

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- M. The subject property is considered BEST PRIME FARMLAND. The subject property consists of Elliott Silty Clay (146B2), Drummer Silty Clay (152A), Peotone Silty Clay (330A), and Raub Silt Loam (481A) soils. Elliott soils have a relative Land Evaluation (LE) value of 83; Drummer soils have a relative LE of 100, Peotone soils have a relative LE of 85, and Raub soils have a relative LE of 94.
- N. 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 odor, noise, vibration, glare, heat, dust, or 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 use is compatible with other existing AG facilities and operations in the area. This tank will better utilize the infrastructure of rail and highways to give local growers better access to an important crop nutrient.”**
- B. Regarding compliance with the *Zoning Ordinance*, the following evidence was provided in previous Case # 676-S-10:
- * (1) “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” is authorized by Special Use Permit only in the AG-1 Agriculture Zoning District.
- * (2) Regarding parking on the subject property:
- * (a) Although the proposed use is listed as a business use in Section 5.2, the business parking standard in subparagraph 7.4.1.C.3.e. of one parking space per 200 square feet of floor area cannot be sensibly applied to the proposed Special Use. Instead the parking standard for industrial uses in paragraph 7.4.1.D.1 appears to approximate the way the business will operate.
- * (b) Paragraph 7.4.1.D.1 requires industrial uses to provide one off-street parking space for every three employees based upon the maximum number of persons employed during one work period, plus one space for each business vehicle, and a minimum of one visitor parking space.
- * (c) During phase 1 the proposed use will require a minimum of three off-street parking spaces, and when completed a minimum of six off-street parking spaces.

*Identical to previous Case 676-S-10

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- * (d) The proposed site plan appears to include more than enough area to accommodate all required off-street parking.
- * (3) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits (see Item 6.B. above). The petitioner's engineer has indicated in an email received on October 5, 2010, that all exterior lighting on the subject property will comply with Zoning Ordinance No. 831, which was the adopting Ordinance for paragraph 6.1.2 A.
- * (4) There are no standard conditions of approval that specifically apply to "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" uses. However, Section 6 does include standard conditions for Fertilizer Manufacturing and Bulk Storage, which require a 100 feet separation from all lot lines. The proposed site plan indicates more than 100 feet separation of all fertilizer storage areas from the lot lines.
- * (5) Regarding required screening of outdoor operations:
 - * (a) Section 7.6 of the Zoning Ordinance requires a Type D screen for any outdoor storage or outdoor operations visible within 1,000 feet of any point within the BUILDING RESTRICTION LINE of any located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; or recreational business use with outdoor facilities; or any urban arterial or MAJOR STREET.
 - * (b) The proposed site plan includes a proposed landscaped berm for visual screening, but it is unclear whether this berm will provide adequate screening because there is no information about the height of the berm, and because the extent of the berm does not appear to screen the liquid storage tanks and building from residences on Third Street.
 - * (c) A special condition has been proposed to require more information about the berm so that compliance with Section 7.6 can be determined.
- C. Regarding compliance with the *Stormwater Management Policy*, the following evidence was provided in previous Case # 676-S-10:
 - * (1) Regarding the requirement of stormwater detention, stormwater detention appears to be necessary for each Phase of the proposed Special Use. A special condition regarding stormwater detention is proposed in Item 12.
 - * (2) Regarding the requirement to protect agricultural field tile, there does not appear to be any field tile on the subject property.

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- *F. (3) The proposed development will disturb more than one acre of soil and a Notice of Intent (NOI) will have to be filed with the Illinois EPA regarding erosion control requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II.
- *D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
- *E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
- *F. Regarding regulations enforced by the Illinois Department of Agriculture regarding proper storage and use of fertilizers:
 - *F. (1) Co-petitioner United Prairie is a Registered Custom Mixer with the Illinois Department of Agriculture.
 - *F. (2) The proposed site plan conforms to Section 215.30 Location of Storage Tanks of Part 215 of Title 80 of the Illinois Administrative Code.
 - *F. (3) The two proposed 30,000 gallon anhydrous ammonia storage tanks will be located more than 200 feet from the property line, and more than 400 feet from the Dewey Evangelical Mennonite Church on Third Street.
- *G. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer," which serves row crop agriculture that is the primary land use in the AG-1 Agriculture Zoning District.
- *H. 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. A special condition has been proposed to ensure documentation of compliance with the Illinois Accessibility Code.

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. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance, the following evidence was provided as part of previous Case # 676-S-10:
 - *A. (1) The Petitioner has testified on the application, **"Existing use is residential of rural farmstead character with agricultural type accessory buildings. A portion of**

*Identical to previous Case 676-S-10

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the site is currently used for agricultural crop production. Proposed use is compatible with other existing agricultural facilities and operations in the area. It is noted that the site is adjacent to short rail that connects to the Canadian National Railroad and a truck route, both elements conducive and supportive of the proposed use.”

- *B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- * (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):
- The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- * (2) The types of uses authorized in the AG-1 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.
- 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 appears to be in compliance with those requirements.
- * (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, it is unclear what impact the proposed SUP will have on the value of nearby properties.
- * (b) With regard to the value of the subject property, without the Special Use Permit authorization co-petitioner United Prairie will have no interest in purchasing the subject property.
- * (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

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The proposed site plan indicates a large circulation area on the subject property to provide room for the large vehicles served by the proposed use. The subject property is accessed from CH 23, a County Highway and approved truck route. A special condition has been proposed to ensure County Engineer approval of the access drive before and after construction.

- * (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 will comply 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.
- * (a) 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.
- * (b) 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 appears to be in compliance with those limits.

- * (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

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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. There are no special conditions of approval proposed at this time.

- * (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 use will be entirely new.

- * (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 subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area.

- * (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.

The subject property does not contain any natural features and there are no natural features in the vicinity of 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.

The subject property is located in the AG-1 Agriculture District and is a rural use.

- * (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.

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The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“Property is currently conforming. This tank would enhance the efficiency of the current chemical facility on site.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- ‡A. The County Engineer approved a permit for driveway access on March 11, 2011. A Zoning Compliance Certificate for driveway access has not yet been issued on Zoning Use Permit #61-11-02. The following condition would verify that driveway access conditions comply with the Special Conditions from Zoning Case #676-S-10.

The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the County Engineer’s approval of any constructed driveway entrance including any necessary as-built engineering drawings.

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

All vehicles related to the proposed Special Use can safely enter and exit the subject property with adequate visibility and regardless of weather conditions.

- ‡B. As specified in Special Condition B from Case 676-S-10, a Stormwater Drainage Plan was reviewed by independent consultant Vegryn, Sarver and Associates. In a letter received June 9, 2011, they state “the Storm Water Drainage Plan furnished by Foth for United Prairie Dewey is in substantial conformance with the Champaign County Stormwater Management Policy.” A Zoning Compliance Certificate for as-built stormwater drainage has not yet been issued for Zoning Use Permit #61-11-02. The following condition would clarify the Board’s expectation regarding submittal and approval of the stormwater drainage plan:

A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application and review and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.

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

‡Same lettering as in previous Case 676-S-10

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The proposed Special Use Permit conforms to the requirements of the Stormwater Management Policy.

- ‡C. Regarding the sealing of unused wells on the property, no evidence has been found regarding documentation as required in Special Condition C from Case 676-S-10. The following special condition would clarify the Board's expectation regarding unused wells:

Any private wells on the subject property shall be documented on the site plan and all unused wells shall be sealed. The Zoning Administrator shall not approve a Zoning Compliance Certificate for Phase 1 of the proposed Special Use Permit without documentation that all unused wells on the subject property have been sealed and the Champaign County Health Department has been notified.

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

Any unused wells on the subject property are protected from contamination.

- ‡D. Regarding compliance with the Illinois Accessibility Code and Illinois Environmental Barriers Act, Zoning Use Permit 61-11-02 states that "the proposed Phase 1 construction appears to comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act. Future construction will have additional accessibility requirements." The following special conditions will ensure that the proposed special use will meet those requirements:

- (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the proposed construction will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act; and**
- (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act;**

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

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

- E. **The Zoning Administrator shall not approve a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit unless a copy of the required Agrichemical Facility Permit from the Illinois Department of Agriculture is provided.**

‡Same lettering as in previous Case 676-S-10

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

The proposed Special Use Permit meets applicable state codes for construction and use of an agrichemical facility.

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

The special conditions above are required to ensure the following:

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

- G. **The development of the site must be substantially the same as indicated in the Site Plan submitted on April 30, 2014.**

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

That the development of the site is the same as described in the public hearing.

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DOCUMENTS OF RECORD

1. Special Use Permit application received April 30, 2014, with attachments:
 - A Quote and specifications for the proposed storage tank from Alliance Tank Service, LLC
 - B Site Plan
2. Zoning Special Use Permit Case # 676-S-10 case file
3. Zoning Use Permit Case # 61-11-02 case file
4. Email received July 2, 2014 from Jeff Blue, County Highway Engineer
5. List of Owners and Officers of United Prairie LLC received June 25, 2014
6. Copy of IDAG Application for Permit and Construction of an Agrichemical Facility received July 8, 2014
7. Preliminary Memorandum for Case 781-S-14 dated July 10, 2014, with attachments:
 - A Case Maps (Location, Land Use, Zoning, Soils)
 - B Site Plan received April 30, 2014
 - C Site Plan received August 27, 2011
 - D Email received July 2, 2014 from Jeff Blue, County Highway Engineer
 - E List of Owners and Officers of United Prairie LLC received June 25, 2014
 - F Copy of IDAG Application for Permit and Construction of an Agrichemical Facility received July 8, 2014
 - G Site Visit Photos
 - H Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **781-S-14** held on **July 17, 2014**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{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 NOT / WILL}* 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 *{because*}*:

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

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

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

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

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

 - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL *{because*}*:

 - h. The existing public services *{ARE/ ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because*}*:

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- i. The only existing public infrastructure together with proposed improvements *{ARE/ ARE NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*:
-
-

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 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}* preserve the essential character of the DISTRICT in which it is located because:
- The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - Public safety will be *{ADEQUATE / INADEQUATE}*.
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:
- The Special Use *{IS/ IS NOT}* authorized in the District.
 - The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - 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.
 - The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *{IS/ IS NOT}* an existing nonconforming use and the requested Special Use Permit *{WILL/ WILL NOT}* make the existing use more compatible with its surroundings *{because: *}*
6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA*

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***FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED
BELOW***

*The Board may include additional justification if desired, but it is not required.

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FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{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 781-S-14 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant United Prairie, LLC, owned by Premier Cooperative and Topflight Grain, to authorize **expansion of existing Special Use Permit 676-S-10 to allow for the construction and use of a liquid fertilizer storage tank as part of a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility.**

{ 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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date