

**MINUTES OF REGULAR MEETING****CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street  
Urbana, IL 61802

**DATE:** October 27, 2022**PLACE:** Shields-Carter Meeting Room  
1776 East Washington Street**TIME:** 6:30 p.m.

Urbana, IL 61802

**MEMBERS PRESENT:** Ryan Elwell, Nolan Herbert, Thaddeus Bates, Larry Wood, Jim Randol, Lee Roberts**MEMBERS ABSENT:** Tom Anderson**STAFF PRESENT:** John Hall, Susan Burgstrom, Isaak Simmers**OTHERS PRESENT:** Harold Scharlau, Janet Scharlau, Joe Behrends, Mary Behrends, Mary Kuhlman, Herman Kuhlman, Scott Ziegler, Tony Grilo, Marly Corado, Angel Corado, Jaimee Walker, Mary Ann Walker, Scott Walker**1. Call to Order**

The meeting was called to order at 6:30 p.m.

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

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

**3. Correspondence - None****4. Minutes- August 25, 2022**

Mr. Elwell asked if there was any discussion on the August 25, 2022 minutes. Seeing none, he entertained a motion to approve the August 25, 2022 minutes.

**Mr. Randol moved, seconded by Mr. Roberts, to approve the August 25, 2022 minutes. The motion carried by voice vote.**

**5. Audience participation with respect to matters other than cases pending before the Board - None****6. Continued Public Hearings****CASE 057-V-22****Petitioner:** Angel Corado**Request:** Authorize a variance for the construction and use of an accessory structure with an

1 average height of 17 feet and 9 inches in lieu of the maximum allowed average height  
2 of 15 feet in the R-3 Two-Family Residence Zoning District, per Section 5.3 of the  
3 Champaign County Zoning Ordinance  
4

5 Location: A 0.46-acre lot that is the South Half of Lot 38 in Fred C. Carroll's Subdivision of the  
6 East Half of the Northwest Quarter of the East Half of Section 9, Township 19, Range  
7 9 East of the Third Principal Meridian in Urbana Township, commonly known as the  
8 residence with an address of 1206 Carroll Ave, Urbana  
9

10 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign  
11 the witness register for that public hearing. He reminded the audience that when they sign the witness  
12 register, they are signing an oath.  
13

14 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County  
15 allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask  
16 for a show of hands from those who would like to cross-examine, and each person will be called upon.  
17 He said that those who desire to cross-examine do not have to sign the Witness Register but will be  
18 asked to clearly state their name before asking any questions. He noted that no new testimony is to be  
19 given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the  
20 ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the  
21 nature of their request prior to introducing evidence.  
22

23 Marly Corado introduced herself and said their address was 1401 W Perkins Road. She said they were  
24 waiting for responses of how much water the proposed drainage plan was going to hold, and they recently  
25 received that information. She said the drainage was going to hold about 840 cubic feet of water as it was  
26 designed currently.  
27

28 Mr. Elwell thanked Ms. Corado and asked if there were any questions from the Board.  
29

30 Mr. Randol asked if he overlooked a plan to lower the garage height to fifteen feet to avoid the variance.  
31

32 Ms. Burgstrom said there was some talk about the possibility of reducing the height of the building so that  
33 the variance would no longer be necessary, but they have not heard any confirmation. She said if the  
34 petitioners did have the intention to reduce the height to fifteen feet than the variance would not be  
35 necessary.  
36

37 Ms. Corado said no, not as of right now.  
38

39 Mr. Randol said thank you.  
40

41 Mr. Elwell asked if there were any more questions from the Board.  
42

43 Mr. Wood wanted to clarify the current design was to 840 cubic feet.  
44

45 Ms. Corado said yes, according to the engineer who answered their questions. She said part of the volume  
46 will go into the gravel and the other part will go into the pipes and would equate to 840 cubic feet of water.  
47

48 Mr. Wood said the total amount of soil removed would total 840 cubic feet but half that volume would be  
49 taken up by the gravel being put into the ground. He said they would only have 420 cubic feet for water.

1 He asked Ms. Burgstrom if he was reading that correctly.  
2  
3 Ms. Burgstrom said yes, she believed he was.  
4  
5 Ms. Corado agreed.  
6  
7 Mr. Wood said okay, he just wanted to make sure that was clear.  
8  
9 Mr. Elwell asked if there were any further questions from the Board or Staff. Seeing none, he asked how  
10 the Board would like to proceed.  
11  
12 Mr. Elwell asked Ms. Burgstrom if 420 cubic feet of water was roughly twice the five-year rain event  
13 requirement.  
14  
15 Ms. Burgstrom said yes, that was correct. She said the engineer anticipated a peak hydraulic volume of  
16 193 cubic feet during a five-year storm event and the proposed storage would be over double that.  
17  
18 Mr. Elwell said okay. He asked if anyone would like to cross-examine this witness and if so to please raise  
19 their hand.  
20  
21 Scott Walker introduced himself and said he has not seen the plans and telling him 840 cubic feet does  
22 not tell him anything. He asked if there was a drainage plan showing how the yard was going to be graded.  
23 He said the whole point of this was to keep the water off the neighbors' lots.  
24  
25 Ms. Burgstrom gave Mr. Walker a copy of the proposed drainage plan.  
26  
27 Mr. Walker said what he was seeing on the south side at the front corner of the building was virtually flat  
28 ground. He said that was not taking water back toward their property. He said the proposed plan was not  
29 showing anything about the grade of the yard.  
30  
31 Mr. Elwell said Mr. Walker was providing testimony right now and there was a difference between cross-  
32 examination and providing testimony. He said he was going to ask for testimony at a later part of the  
33 hearing. He said this time was for asking questions back and forth.  
34  
35 Mr. Walker said okay. He asked if there was an actual grading plan for the yard. He said he wanted to see  
36 how the dirt was sloped on the property.  
37  
38 Ms. Burgstrom said all they had was the design from the engineer in front of them.  
39  
40 Mr. Walker said that design showed absolutely no grading plan.  
41  
42 Mr. Hall said what the design does show is at least for a five-year event there would be no runoff from the  
43 proposed building. He said all the rain runoff would be contained in the underdrain and in fact twice that  
44 would be contained in the underdrain. He said a five-year storm was about three and a half inches and a  
45 fifty-year storm was about five inches. He said five inches was not twice three and a half so he thought  
46 what that showed was there would not be runoff from the new structure for more than a two-percent chance  
47 in one year. He said it was true there was no grading plan but the structure itself will have very little runoff  
48 that leaves the property.  
49

1 Mr. Walker said he did not have any further questions.

2  
3 Mr. Elwell thanked Mr. Walker and asked if anyone else would like to cross-examine this witness and if  
4 so to please raise their hand.

5  
6 Ms. Corado asked if they were taking in water from neighbors with their proposed drainage plan.

7  
8 Mr. Elwell said he did not believe they would be taking in water from the neighbors, just mitigating runoff  
9 from their proposed structure.

10  
11 Mr. Hall said it may take a little in during a large event but that would be difficult to evaluate because the  
12 rim of the yard drain is about at grade. He said to the extent there might be a couple of inches of runoff  
13 that would slowly take a little bit. He said he felt it was more likely following a large rain event the plan  
14 should help to dewater the soil a little bit at least within a certain proximity to the underdrains. He said  
15 they included a copy of the soil map. He said he thought the soils on the subject lot would be dewatered  
16 by the underdrain and might help neighboring properties a little bit.

17  
18 Ms. Corado said thank you.

19  
20 Mr. Elwell asked if there was anyone there who would like to testify in this case. He asked Mr. Walker to  
21 come back to the microphone to speak.

22  
23 Scott Walker said he lived at 1201 Carroll Avenue, Urbana, Illinois. He said as he was saying earlier, there  
24 was no grading plan to the yard. He said he knew about this stuff quite a bit because of the work he did  
25 with the Atkins Group, elevations, putting in storm drains, and that sort of stuff. He said the yard was  
26 currently sloped downhill towards his mother's home to the south. He said he did not see how the dumping  
27 of water would be changed without a grading plan, especially in a heavy downpour with heavy runoff. He  
28 said that if they were to dig down four to six inches then they would hit clay and stop. He said the water  
29 would just run and that was how all Champaign Urbana was pretty much. He said the pipe was simply not  
30 going to be able to take all the water. He said it does not work that way and they could not tell what would  
31 happen without a grading plan. He said the last couple of meetings brought up how they needed to come  
32 up with a way to keep the water on their property and he did not have that information without a grading  
33 plan. He said that was the information he was curious to see. He said if that was how much the engineer  
34 said the system would hold he had no reason to question it, but the simple fact was the water had to be  
35 controlled and if the property was not sloped in a way to control the water that it would just run downhill  
36 towards his mother's property. He said he did not see how that would work. He said he did not have that  
37 information and he would like to see it.

38  
39 Mr. Elwell said Ms. Burgstrom received an email on October 24<sup>th</sup> from Mark Miller.

40  
41 Mr. Walker said he knew Mark Miller.

42  
43 Mr. Elwell said and in the body of that email he wrote, the calculations show that the roof will produce a  
44 peak hydraulic volume of 193 cubic feet during a five-year event. He said it appeared to him that 840 feet  
45 was going to be excavated and the gravel was going to fill in half that amount.

46  
47 Mr. Hall said Mr. Miller said that a five-inch rain would produce 193 cubic feet of rain runoff from the  
48 building. He said a five-year rain was about three and a half inches in twenty-four hours. He said a fifty-  
49 year rain was a little more than five inches in twenty-four hours. He said he did not know what storm

1 event would cause the volume of storage in the gravel to be exceeded so that some would overflow the  
2 yard drain, but it was going to be much larger than a five-year event. He said it looked to him that it would  
3 be even greater than a fifty-year event depending upon how much water was in the gravel when the rain  
4 event happened. He said and again, the gravel may dewater the soil to some extent but the soils on that  
5 part of the property have a very deep ground water level so there may not be any dewatering. He said they  
6 were urban soils, and they were taking that information from the soil survey. He said that was all they had.  
7 He asked Mr. Elwell if that clarified what he was asking.

8  
9 Mr. Elwell said yes, thank you Mr. Hall.

10  
11 Mr. Walker asked if someone was going to make sure the proper sized gutters were on the building and  
12 the right amount of dirt has been excavated, seeing that they were in the county.

13  
14 Mr. Hall said there was a special condition to require an inspection of the excavated areas. He said they  
15 had not addressed the proper sizing of the gutters.

16  
17 Mr. Walker said sticking a four-inch gutter on there will not control that amount of water.

18  
19 Mr. Hall said he thought they had an indication of the number of downspouts.

20  
21 Mr. Walker said there should be one on each corner.

22  
23 Mr. Hall asked Mr. Wood if he said there were four downspouts.

24  
25 Mr. Wood said it shows four.

26  
27 Mr. Hall asked where.

28  
29 Mr. Wood said there were two on each side, not at the corners. He said they were just offset from the  
30 middle of the building.

31  
32 Mr. Walker said so they were toward the middle.

33  
34 Mr. Wood said the plans mention downspouts, plural, so not just one.

35  
36 Mr. Walker said they could put the downspouts in the middle if they angle the gutter properly. He said  
37 that was what the county needed to make sure of. He said it would be real easy cost wise to slap a four-  
38 inch gutter on there which would not handle that amount of water. He said he has been on projects where  
39 six-inch gutters were necessary because four-inch ones could not handle the water flow.

40  
41 Mr. Elwell wanted to circle back to the plan. He said he felt that the petitioners addressed the questions  
42 the Board asked of them, and the benchmarks have been met.

43  
44 Mr. Walker said he understood that and said as long as someone made sure they were doing what they  
45 were supposed to be doing.

46  
47 Mr. Elwell said correct.

48  
49 Mr. Walker said and making sure the gutter is the right size to handle that amount of water. He said the

1 middle building two houses down from him did not have a gutter on it at all. He said the plumbing  
2 company, or whatever was there did not even have a gutter.

3  
4 Mr. Elwell asked if there were any questions from the Board, or Staff.

5  
6 Mr. Walker wanted to confirm there would be an inspection process taking place.

7  
8 Mr. Elwell said correct.

9  
10 Mr. Walker said okay.

11  
12 Mr. Elwell asked if anyone would like to cross-examine this witness and if so to please raise their hand.  
13 Seeing no one, he thanked Mr. Walker. He asked if anyone else would like to testify in this case and if so  
14 to please raise their hand. Seeing no one, he entertained a motion to close the Witness Register.

15  
16 **Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register. The motion carried by**  
17 **voice vote.**

18  
19 Mr. Elwell asked how the Board would like to proceed.

20  
21 Mr. Wood asked Ms. Burgstrom if she had any copies of the Finding of Fact.

22  
23 Mr. Elwell asked the petitioners to return to the witness microphone. He said they will be reading some  
24 special conditions in a moment and if they agreed to those conditions then to just answer in the affirmative.

25  
26 Mr. Elwell informed the petitioners he would be reading the proposed special conditions for Case 057-V-  
27 22 from Supplemental Memorandum # 1 from September 7, 2022, as follows:

28  
29 ***REGARDING SPECIAL CONDITIONS OF APPROVAL***

30  
31 Proposed Special Conditions of Approval:

- 32  
33 **A. No business activities including storage of materials or parking of vehicles related to**  
34 **a business either inside or outside of the building shall take place without the proper**  
35 **approvals from the Champaign County Department of Planning & Zoning**  
36

37 The above special condition is required to ensure the following:  
38 **No unauthorized business use can establish on the subject property.**  
39

40 Mr. Elwell asked Ms. Corado if she agreed with that special condition.

41  
42 Ms. Corado agreed.

- 43  
44 **B. No Zoning Compliance Certificate for construction of the detached garage shall be**  
45 **issued until the petitioner has constructed the drainage system designed by Mark**  
46 **Miller that was received on October 24, 2022 and the Zoning Administrator shall be**  
47 **allowed to inspect the drainage system prior to the burial.**  
48

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

1                   **The stormwater from the garage roof is controlled onsite.**

2  
3 Mr. Elwell asked Ms. Corado if she agreed with that special condition.

4  
5 Ms. Corado agreed.

6  
7           **C.       Petitioners will use mosquito larvicide to minimize mosquito breeding in the standing**  
8           **water of the catch basin.**

9  
10           The above special condition is required to ensure the following:  
11           **To protect public health.**

12  
13 Mr. Elwell asked Ms. Corado if she agreed with that special condition.

14  
15 Ms. Corado agreed.

16  
17 Mr. Elwell thanked Ms. Corado and entertained a motion to adopt the Summary of Evidence, Documents  
18 of Record, and move to the Finding of Fact for Case 057-V-22.

19  
20 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**  
21 **Record, and move to the Finding of Fact for Case 057-V-22. The motion carried by voice vote.**

22  
23 Mr. Elwell said he was going to be reading the Finding of Fact for Case 057-V-22 from Attachment B,  
24 page 10 of 12 in the Supplemental Memorandum #1 from September 7, 2022, as follows:

25  
26 **FINDING OF FACT FOR CASE 057-V-22**

27 From the documents of record and the testimony and exhibits received at the public hearing for zoning  
28 case **057-V-22** held on **July 14, 2022, September 15, 2022,** and **October 27, 2022,** the Zoning Board of  
29 Appeals of Champaign County finds that:

30  
31           **1.       Special conditions and circumstances {DO/DO NOT} exist which are peculiar to the land**  
32           **or structure involved, which are not applicable to other similarly situated land and**  
33           **structures elsewhere in the same district because:**

34  
35 Mr. Wood said special conditions and circumstances DO exist which are peculiar to the land or structure  
36 involved, which are not applicable to other similarly situated land and structures elsewhere in the same  
37 district because: he believed the whole subdivision was developed well before the Zoning Ordinance went  
38 into place and as a result were allowed to go higher than twenty-four feet on an acre or more. He said in  
39 this case it would not be possible to build the structure if they stuck strictly to the rules. He also wanted  
40 to note that the variance being requested was only an 18% increase over the fifteen-foot average. He said  
41 it was not a significant increase.

42  
43           **2.       Practical difficulties or hardships created by carrying out the strict letter of the**  
44           **regulations sought to be varied {WILL/WILL NOT} prevent reasonable or otherwise**  
45           **permitted use of the land or structure or construction because:**

46  
47 Mr. Wood said practical difficulties or hardships created by carrying out the strict letter of the regulations  
48 sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or

1 construction because: without the proposed variance the petitioner could not construct a purchase they  
2 have already made for the building on the subject property.

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

6  
7 Mr. Herbert said the special conditions, circumstances, hardships, or practical difficulties DO NOT result  
8 from actions of the applicant because: the petitioner only became aware of the height restriction when  
9 they applied for the Zoning Use Permit to construct the garage.

10  
11 **4. The requested variance SUBJECT TO THE PROPOSED CONDITIONS {IS/IS NOT} in  
12 harmony with the general purpose and intent of the Ordinance because:**

13  
14 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance  
15 because: the nearest neighboring residential structure is 75 feet away to the Southwest and there is  
16 adequate light and air surrounding the subject property.

17  
18 **5. The requested variance SUBJECT TO THE PROPOSED CONDITIONS {WILL/WILL  
19 NOT} be injurious to the neighborhood or otherwise detrimental to the public health,  
20 safety, or welfare because:**

21  
22 Mr. Wood said the requested variance WILL NOT be injurious to the neighborhood or otherwise  
23 detrimental to the public health, safety, or welfare because: in addition to the fact that relevant jurisdictions  
24 have been notified and no comments have been received. He said with the addition of the drainage plan  
25 that has been proposed as a special condition to be put in as well and the ability to verify that as it goes in.  
26 He felt the drainage capacity was more than adequate to meet any large rain events.

27  
28 **6. The requested variance SUBJECT TO THE PROPOSED CONDITIONS {IS/IS NOT} the  
29 minimum variation that will make possible the reasonable use of the land/structure  
30 because:**

31  
32 Mr. Herbert said it is the minimum variation that will make possible the reasonable use of the  
33 land/structure because: the building has already been purchased and the height could not be reduced.

34  
35 **7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE  
36 PARTICULAR PURPOSES DESCRIBED BELOW:**

37 **A. No business activities including storage of materials or parking of vehicles related  
38 to a business either inside or outside of the building shall take place without the  
39 proper approvals from the Champaign County Department of Planning &  
40 Zoning.**

41  
42 The above special condition is required to ensure the following:  
43 **No unauthorized business use can establish on the subject property.**

44  
45  
46 **B. No Zoning Compliance Certificate for construction of the detached garage shall  
47 be issued until the petitioner has constructed the drainage system designed by  
48 Mark Miller that was received on October 24, 2022 and the Zoning Administrator  
49 shall be allowed to inspect the drainage system prior to the burial.**



The above special condition is required to ensure the following:

**The stormwater from the garage roof is controlled onsite.**

**C. Petitioners will use mosquito larvicide to minimize mosquito breeding in the standing water of the catch basin.**

The above special condition is required to ensure the following:

**To protect public health.**

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and Finding of Fact for Case 057-V-22, as amended.

**Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of Record, and Finding of Fact for Case 057-V-22, as amended. The motion carried by voice vote.**

Mr. Elwell informed the petitioners that they did not have a full Board present and asked if they would like to continue the case or wait for a full Board. He reminded the petitioners that all Findings of Fact were in the affirmative.

Ms. Corado said she would like to go ahead and proceed.

Mr. Elwell said okay, thank you. He entertained a motion to move to Final Determination.

**Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 057-V-22. The motion carried by voice vote.**

**FINAL DETERMINATION FOR CASE 057-V-22**

**Mr. Wood moved, seconded by Mr. Randol, that pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:**

**The Variance requested in Case 057-V-22 is hereby GRANTED WITH CONDITIONS to the petitioner, Angel Corado, to authorize the following variance in the R-3 Single Family Residence Zoning District:**

**Authorize a variance for the construction and use of an accessory structure with an average height of 17 feet 9 inches in lieu of the maximum allowed average height of 15 feet in the R-3 Two Family Residence Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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

Mr. Elwell requested a roll call vote.

The vote was called as follows:

<b>Randol – yes</b>	<b>Roberts – yes</b>	<b>Herbert – yes</b>	<b>Elwell – yes</b>
<b>Wood – yes</b>	<b>Bates – yes</b>	<b>Anderson - absent</b>	

1 Mr. Elwell congratulated the petitioners on getting their six affirmative votes and said the Staff would be  
2 in touch with them soon for next steps.

3  
4 Ms. Corado thanked the Board for their time.

5  
6 **7. New Public Hearings**

7  
8 **Case 067-AM-22**

9 Petitioner: **Anthony Donato, d.b.a. Donato Solar – Urbana LLC**

10  
11 Request: **Amend the Zoning Map to change the zoning district designation from the CR  
12 Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District in  
13 order to allow a data center as a Special Use in related Zoning Case 068-S-22 and a  
14 PV solar array as a second principal use as a proposed County Board Special Use  
15 Permit in related Case 070-S-22.**

16  
17 Location: **A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32,  
18 Township 20 North, Range 9 East of the Third Principal Meridian in Somer  
19 Township, commonly known as the farmland located on the northwest corner of the  
20 intersection of West Oaks Road and Squire Farm Rd, Urbana.**

21  
22 **Case 068-S-22**

23 Petitioner: **Anthony Donato, d.b.a. Donato Solar – Urbana LLC**

24  
25 Request: **Authorize a data center as a Special Use Permit, subject to the proposed rezoning in  
26 Case 067-AM-22, and subject to the following waiver:  
27 Authorize a waiver from Section 6.1.3 of the Zoning Ordinance that requires  
28 a noise analysis to be performed for a Data Center.**

29  
30 Location: **A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32,  
31 Township 20 North, Range 9 East of the Third Principal Meridian in Somer  
32 Township, commonly known as the farmland located on the northwest corner of the  
33 intersection of West Oaks Road and Squire Farm Rd, Urbana.**

34  
35 **Case 069-V-22**

36 Petitioner: **Anthony Donato, d.b.a. Donato Solar – Urbana LLC**

37  
38 Request: **Authorize the following variance for the data center proposed as a Special Use Permit  
39 in related case 068-S-22:**

40 **Part A: Authorize a variance for 3 parking spaces in lieu of the minimum  
41 required 7 parking spaces, per Section 7.4.1 C.3. of the Zoning Ordinance.**

42  
43 **Part B: Authorize a variance for no loading berth in lieu of the minimum  
44 required 1 loading berth, per Section 7.4.1 C.5. of the Zoning Ordinance.**

45  
46 Location: **A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32,  
47 Township 20 North, Range 9 East of the Third Principal Meridian in Somer  
48 Township, commonly known as the farmland located on the northwest corner of the  
49 intersection of West Oaks Road and Squire Farm Rd, Urbana.**

**Case 070-S-22**

**Petitioner: Anthony Donato, d.b.a. Donato Solar – Urbana LLC**

**Request: Subject to the rezoning in related Case 067-AM-22 and in addition to the Special Use Permit requested in related Case 068-S-22, authorize the following additional special use permits:**

**A. A Special Use Permit for a second principal use; and**

**B. As the second principal use, authorize a photovoltaic solar array with a total nameplate capacity of 4 megawatts (MW), including access roads and wiring, as a County Board Special Use Permit and including the following waivers of standard conditions (other waivers may be necessary):**

**Part A: A waiver for not providing a Decommissioning and Site Reclamation Plan that includes cost estimates prepared by an Illinois Licensed Professional Engineer prior to consideration of the Special Use Permit by the Board, per Section 6.1.1 A.3.**

**Part B: A waiver for locating the PV Solar Array less than one-half mile from an incorporated municipality and within the contiguous urban growth area of a municipality per Section 6.1.5 B.(2)a.**

**Part C: A waiver for a separation distance of 97 feet between the solar inverters and the perimeter fence in lieu of the minimum required 275 feet, per Section 6.1.5 D.(6).**

**Part D: A waiver for not submitting a Landscape Plan with weed control plan prior to consideration of the Special Use Permit by the Board, per Section 6.1.5 F.(9)a.(b).iv.**

**Location: A 13.62-acre tract in the Southwest Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, commonly known as the farmland located on the northwest corner of the intersection of West Oaks Road and Squire Farm Rd, Urbana.**

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

Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a show of hands from those who would like to cross-examine, and each person will be called upon. He said that those who desire to cross-examine do not have to sign the Witness Register but will be asked to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their request prior to introducing evidence.

Anthony Grilo said his address was 103 North Thomas in Thomasboro, Illinois. He said his case was a

1 very similar case to what he had last month. He said his plan was to build a PV Solar Array and pair it  
2 with a small data center that runs off the solar power. He said they had a couple of different issues that  
3 came up. He said they found out about an easement during a previous meeting and adjusted the site plan  
4 to take that into account. He said Ms. Burgstrom just broke the news to him that that would be the case  
5 again here. He said the easement was for the drainage district to access the creek, or river. He said Mr.  
6 Hall and Ms. Burgstrom spoke to him about changing their chain link fence to more of an animal friendly  
7 fencing option. He said he was waiting on getting examples from them on that just so he could investigate  
8 doing it. He said he did not have an issue with it and thought the idea with it was if animals got in they  
9 would be able to get out. He wanted to confirm with Ms. Burgstrom.

10  
11 Ms. Burgstrom said that was correct.

12  
13 Mr. Grilo said okay, cool. He said the noise ordinance was ordered and is on the company's docket. He  
14 said the company just completed the one for the Rantoul site and is doing the Oaks location as they spoke.  
15 He said it would probably be done in the coming weeks. He said it was the same with the landscape plan.  
16 He said that was already ordered as well and he has not heard back from the people yet on that. He said  
17 he would expect that to be done relatively soon. He said it would be a similar landscaping plan as to the  
18 other couple of locations, pollinator habitat throughout the array, manicured edges, and green vegetation  
19 along the roadsides. He said that included both Oaks Road and Squire Road. He said he spoke with the  
20 city quite a bit about the location being within their contiguous urban growth area but has not yet received  
21 an official letter of approval from them yet. He said Ms. Burgstrom was in contact with them and from  
22 his understanding they were good with the project. He said the road upgrade from the public works  
23 department at Urbana was received that night. He said that was because they were the ones who take care  
24 of Oaks Road up to Country Squire Road and the traffic pattern for this site would come from Interstate  
25 74, up Lincoln Avenue along Oaks Road because that was where the driveway entrance was located. He  
26 said their rules were basically a pre- and post- inspection and we were liable for any damage made during  
27 construction. He said they could get a third-party engineer who will do the same inspections in case there  
28 were any sort of arguments about it. He said he does not foresee that being an issue. He said he spoke with  
29 the township there as well. He said they were quite involved even though it was not within their  
30 jurisdiction. He said that Oaks Road was not theirs, but Country Squire Road was. He said he spoke with  
31 the fire department which was a similar situation. He said they reviewed the site plan and concluded there  
32 were no issues. He said part of the proposed location is located within a floodplain, which limited the  
33 available uses to the property in general; luckily the solar array project would not be impacted by the  
34 floodplain and the building was out of the floodplain. He said he thought that was all he had to say to  
35 begin.

36  
37 Mr. Elwell said thank you and it sounded like a rinse and repeat of the last solar farm.

38  
39 Mr. Grilo said yes, hopefully a copy and paste.

40  
41 Mr. Elwell asked if there were any questions from the Board.

42  
43 Mr. Wood asked how they were connecting to the grid because it was not clear.

44  
45 Mr. Grilo said Ameren has overhead lines that come from Lincoln Avenue along Oaks Road to the  
46 property. He said they would basically come up to where the driveway is on the site plan.

47  
48 Mr. Wood asked if they needed to be connected to a substation or anything like that.

49 Mr. Grilo said no sir, they were not big enough for that. He said they would just connect to the regular

1 transmission lines.

2  
3 Mr. Wood said okay. He asked if there was enough room to maneuver around the panels with the way  
4 they were laid out.

5  
6 Mr. Grilo said yes and he kind of thought the same thing when the engineers sent over the updated layout,  
7 but there is enough room. He said he believed it was somewhere between six to eight feet, but he could  
8 not remember off the top of his head. He said there was basically enough room to manage and maintain  
9 the site. He said they could see on the site plan in the middle section where the UCSD has a sanitary line  
10 going through the property. He said that was why they had to split around that.

11  
12 Mr. Randol asked how the floodplain was not going to affect the solar panels.

13  
14 Mr. Grilo said the bottom of the panel at the proposed location is twenty-four inches at the lowest point  
15 and the floodplain was not expected to take in more than two feet of water. He said the actual wiring and  
16 connectors were all watertight anyway and about forty-two inches off the ground. He said if there was  
17 over four feet of water on that property than there would be much larger issues, but six to ten inches of  
18 water were not going to impact the solar panels in any way.

19  
20 Mr. Herbert asked why they needed to waiver for the separation distance between the solar inverters and  
21 the perimeter fence.

22  
23 Mr. Grilo said the primary reason was to keep the inverter closer to the industrial area of the community  
24 and farther away from the residential properties. He said it allowed them to keep them in a small group.  
25 He said they were going to basically do the same thing they were going to do in Rantoul with ten-to-  
26 twelve-foot walls around the inverter group to help contain the fan noise. He said it helped tremendously  
27 during the noise analysis that was done in Rantoul and he will expect it to do the same at the proposed  
28 location. He said it was to box them in and contain as much of the noise as possible.

29  
30 Mr. Herbert asked if the access to the sewer easement was to the east and west of them.

31  
32 Mr. Grilo said exactly, they could access their easement from either side. He said he thinks it will turn out  
33 they will have to bring everything in a little more from the ditch by an x amount of feet so everyone who  
34 needs access to the drainage ditch will have it.

35  
36 Mr. Herbert asked what the separation distance was from their fence to the edge of the ditch bank now.

37  
38 Mr. Grilo said he did not remember.

39  
40 Mr. Herbert said he thought it would be wise to have plenty of room.

41  
42 Mr. Grilo said for sure. He said he knew it set it back a fair bit but just did not remember what it was off  
43 the top of his head. He said he thinks he went off the surveyor's points. He said there was a keep out sign  
44 anyway where they could not actually get near the ditch on the west side, and there was a fence also. He  
45 said they stayed off that about fifteen feet. He said that spacing was all going to change when they get a  
46 copy of the easement to make sure they stay back the required distance.

47  
48 Mr. Elwell asked what the turnaround would be for an updated site plan.

49

1 Mr. Grilo said usually quick as far as these changes were concerned. He said he usually mocked up the  
2 changes before sending them over to the engineer. He said that takes about one to five days depending on  
3 the complexity of the changes.

4  
5 Mr. Elwell said okay and asked if there were any more questions from the Board or Staff. He said he could  
6 only imagine that the Board would require an updated site plan in front of them before any action can be  
7 taken.

8  
9 Mr. Grilo said absolutely.

10  
11 Mr. Elwell asked if anyone would like to cross-examine this witness and if so to please raise their hand.

12  
13 Mr. Grilo said quick before the cross-examination begins that he was reminded of something. He said he  
14 was expecting to be doing the decommissioning plan which was the other waiver. He said he knew that  
15 was a question previously for the Rantoul site and just wanted to say that it was almost the same situation  
16 here.

17  
18 Mr. Harold Scharlau said his question was about setback. He wanted to know why the usual required  
19 setback was 275 feet from the solar inverter and wanted to know why it was now 97 feet. He said there  
20 probably was going to be a residential property involved. He wanted to know what the decibel level of  
21 noise will be at 275 feet.

22  
23 Mr. Grilo said he believed the inverters would be approximately 600 feet from the closest house. He said  
24 the reason for the waiver was to move the inverters 97 feet from the south property line to increase the  
25 distance to about 600 feet from the house on the north side of the creek. He said the noise level at 600 feet  
26 would be extremely minimal and he would not think they could hear the inverters at that distance. He does  
27 think the inverters would be audible at 97 feet according to the noise analysis they received from the  
28 engineer for another location. He said they were going to keep the noise barrier walls regardless because  
29 of the tremendous benefit they applied to the other location.

30  
31 Mr. Scharlau said okay and he had one other point. He said it was Squire Farm Road and not Squire Farms  
32 Road.

33  
34 Mr. Grilo said he was sorry he kept getting it confused. He said he was familiar with the old way, even  
35 when driving it.

36  
37 Mr. Elwell thanked Mr. Scharlau and asked if anyone else would like to cross-examine the witness.

38  
39 Mary Kuhlman said she was one of the landowners just southeast of the proposed site and she was  
40 wondering if there was a copy of the plans she could see. She was given a copy of the plan and could see  
41 there would be solar panels across the land there. She asked what the fence was going to be made of to  
42 cut back on the noise.

43  
44 Mr. Grilo said he was not told what kind of material the fence would be made of by the noise engineer,  
45 but he will use whatever they tell him to. He said that was beyond his expertise. He said he ran the noise  
46 analysis based on a noise barrier wall.

47  
48 Ms. Kuhlman wanted to know if it was going to look like Fort Knox or something.

49

1 Mr. Grilo said no. He said they were expecting to use an eight-foot-tall chain-link fence but after speaking  
2 with the Staff they might be proposing a different style of fencing for that location just because of the  
3 wildlife present in the area. He said additionally there will be vegetation and greenery, evergreens  
4 specifically, that will go along the roads. He said it will look like a compound but will have vegetation  
5 and greenery.

6  
7 Ms. Kuhlman just wanted to make sure she was not going to see a big concrete wall.

8  
9 Mr. Grilo said no, nothing like what was along the interstates up near Chicago.

10  
11 Ms. Kuhlman said that was really all she wanted to know and wanted to see the site plan. She thanked the  
12 Board for their time.

13  
14 Mr. Elwell asked if there was anyone else who would like to cross-examine the witness.

15  
16 Mr. Grilo said that he just wanted to say that he would be happy to get anyone's address and contact  
17 information and would be happy to drop an updated site plan for everyone when they get it completed in  
18 case any questions come up because of the updates.

19  
20 Mr. Elwell asked if there was anyone else who would like to cross-examine the witness. Seeing no one,  
21 he thanked Mr. Grilo and asked Mr. Harold Scharlau to state his name and address before beginning his  
22 testimony.

23  
24 Mr. Scharlau said his address was 3610 Squire Farm Road, Urbana, Illinois. He said he got several  
25 questions answered already but his biggest concern was with the waiver of the decommissioning and site  
26 reclamation plan. He said they were asking for a waiver that included the cost prepared by an Illinois  
27 licensed professional engineer prior to the consideration of a Special Use Permit by the ZBA. He was  
28 concerned that the Board was not going to have any control over the plan if they applied the requested  
29 waivers. He wanted to know where the estimate was going to come from and to him that should be a  
30 licensed engineer who could realize the cost otherwise the taxpayers of the county could end up on the  
31 hook for the decommissioning of the site. He felt that variance should not be allowed.

32  
33 Mr. Elwell asked if Mr. Hall would like to give a little further insight on the process, or steps.

34  
35 Mr. Hall said it was true they were requesting a waiver, but it was also true that there was a special  
36 condition listed on page 5 of the preliminary memorandum which states the decommissioning and site  
37 reclamation plan that was approved by ELUC was required at the time of application for a Zoning Use  
38 Permit that complied with section 6.1.1.a and section 6.1.5.Q of the Zoning Ordinance including the  
39 decommissioning cost estimate prepared by an Illinois professional engineer. He said there is a waiver but  
40 only excuses that requirement during the public hearing. He said the next step for this solar array and the  
41 map amendment would be to go to ELUC and part of that review will include the decommissioning and  
42 site reclamation plan with the cost estimate. He said from there it would go to the County Board.

43  
44 Mr. Scharlau said thank you.

45  
46 Mr. Elwell asked if anyone would like to cross-examine the witness. Seeing no one, he called Janet  
47 Scharlau to testify.

48  
49 Janet Scharlau said her address was 3610 Squire Farm Road in Urbana. She said she had a couple of

1 questions. She said the subject parcel was described in the description as farmland located on the northwest  
2 corner of the intersection of Oaks Road and Squire Farm Road. She said an AG-2 zoning district was there  
3 to prevent scattered and discriminate urban development and preserve the agricultural nature within the  
4 areas which are predominantly vacant, and which presumably do not demonstrate any significant potential  
5 for development. She said to her this is farmland. She held up a picture of the subject property taken from  
6 the road. She said there was no other business around it and the closest business was located on the corner  
7 of Lincoln and Oak. She said this has always been farmland and its intended use is farmland. She said her  
8 home was located here (referred to her photo) and showed how the proposed solar farm was going to be  
9 punctured in the middle of farmland. She said she thought it was a perfect example of urban sprawl and  
10 what she wanted to try and prevent. She said they need their farmland to feed our people and not to have  
11 another business. She said there were a lot of waivers being requested which seemed to her that they  
12 should have perhaps looked for a piece of land that better fits what they need rather than find a parcel and  
13 ask for waivers. She said there was a piece of business property available at the corner of Lincoln Avenue  
14 and Oaks Road. She said there was a big for sale sign on it in a business area contiguous with the City of  
15 Urbana. She said the subject property is not contiguous. She said this was a whole jump over and the road  
16 system going to that facility is less than desirable for two cars to pass each other. She said it was almost  
17 a one lane road, maybe a car and a half. She said she thought it was just not in harmony with what was  
18 already present in the area and was currently zoned CR. She felt that even switching CR to AG-2 was not  
19 correct because they already had unsightly development creeping up Lincoln Avenue and to plop another  
20 one in the middle of a country area seems like it does not follow the county or City of Urbana's plan. She  
21 said that was all she had to say.

22

23 Mr. Elwell thanked Mrs. Scharlau and asked if there were any questions from the Board.

24

25 Mr. Bates asked if Ms. Scharlau would have any opposition to the solar farm project if it were just on the  
26 other side of the creek.

27

28 Mrs. Scharlau said no because that was already a developed business area, and this was an undeveloped  
29 area.

30

31 Mr. Wood said all the waivers, except the variance for the 97 feet, were just there for the public hearing  
32 and the information will be available to the County Board for their evaluation. He said the ZBA will  
33 include that as a special condition of approval for their Zoning Use Permit. He asked Ms. Burgstrom if  
34 that was correct.

35

36 Mrs. Scharlau was concerned about a waiver for landscaping and lot maintenance. She said if that was a  
37 variance then they were all in trouble.

38

39 Ms. Burgstrom said that was correct. She said all the other waivers listed there other than the distance  
40 between the inverter and the fenced area, all the others were because the information is not ready but will  
41 eventually be required.

42

43 Mr. Elwell asked Mr. Hall if there was any more background on the rezoning case from CR to AG-2. He  
44 said the witness described what AG-2 in her mind was designed to do. He asked if Mr. Hall could help  
45 them understand a little bit more of why the AG-2 designation is needed in this case.

46 Mr. Hall said it was needed because solar arrays like that were not allowed in the CR district. He said  
47 when the Board considers rezoning, he thinks something to consider would be the area and the fact that  
48 the City of Urbana has authorized industrial development along the Saline Branch. He said that surprised  
49 him when that happened but that was what the City has done. He said it was his hope that this would be



1 annexed into the city at some point because he did think it would be better off in the city. He said that  
2 does not change the fact the County Board has decided they want to allow solar arrays in the AG-2 district.  
3 He thought that rezoning the property from CR to AG-2 is consistent with the Land Resource Management  
4 Plan and could imagine a rezoning that would leave a strip of CR along the Saline Branch primarily  
5 because we now know there is a large easement along the Saline that they could not use for a solar array.  
6 He said that was one thing he planned to discuss with the developer before the case came back. He said  
7 maybe the rezoning should be revised to include a strip of CR along the ditch where there will never be  
8 an array. He said that was only one way to deal with those issues but does not change the fact that a good  
9 portion of the property is in the flood hazard area. He said floodplain was not the only issue to consider  
10 when referencing CR. He said solar arrays are allowed in AG-2 and AG-2 is supposed to be within a mile  
11 and a half of an urbanized area. He said this was right next to city boundaries, so AG-2 made sense. He  
12 said they could do a solar array in AG-2 if it met all the requirements. He said it was up to the Board to  
13 decide whether the waivers and variance are reasonable. He said Staff discussed this a lot before they ever  
14 placed a legal advertisement, and they think this is completely harmonious with the type of land use that  
15 is already present in the area and with the type of land use we would expect to be developed in the future.  
16 He said that was Staff thinking but what they were here to get was the Board's determination of these  
17 things or possibly a recommendation to the County Board.

18  
19 Mr. Bates asked Mr. Hall if this case would go through the same zoning process if it were annexed to the  
20 city.

21  
22 Mr. Hall said it would be approximately the same. He said he was not that familiar with what the city  
23 requires in terms of solar array, but they have already approved a solar array with data center by this  
24 developer at another location. He said he did not know why this location was not being annexed and done  
25 that way, but it is completely permissible under county zoning.

26  
27 Mr. Bates said the solar farm was probably going to be one of the quieter things happening in the area. He  
28 asked if the zoning would automatically change if the city were to annex the property. He said he lost  
29 track of what it becomes after being annexed into the city.

30  
31 Mr. Hall said he did not know and maybe Ms. Burgstrom does. He said he did not know what the property  
32 would need to be zoned to be in the city.

33  
34 Ms. Burgstrom said she did not know either in terms of a solar array and what the city would zone it to.  
35 She said she did know the city land surrounding the subject property is all an industrial district.

36  
37 Mr. Bates said that was his original thought, that it would be industrial. He said okay, thank you.

38  
39 Mr. Elwell asked if there were any more questions for this witness. Seeing none, he asked if anyone would  
40 like to cross-examine the witness. Seeing no one, he thanked Mrs. Scharlau. Mr. Elwell called Scott  
41 Ziegler to testify.

42  
43 Mr. Scott Ziegler said he lived in 81 CR 1100 N, White heath, IL. He said he was the tenant farmer for  
44 the Squire Farm and had a tract of ground right across from the subject property to the east. He said his  
45 concern was the drainage aspect of the project. He said the Board was already aware how the Olympia  
46 Road as well as Lincoln Avenue have dissected and cut up the Squire Farm over the past five to seven  
47 years. He said the property has had drainage issues ever since. He said there was drainage disrupted but  
48 his father had the sense to put the repair maintenance in the land use contract. He said his concern was  
49 this CR property, to him the most specific type of zoning one could have in the county for that tract of

1 ground, was being backed up to something else that does not include a floodplain watershed. He said it  
2 was his understanding that the solar panels have footings placed in the ground and he was curious what  
3 potential harm could be done to the drainage tile present as well as the surface flow of water. He said the  
4 easement that crossed the subject property also crosses the corner of the Squire farmland he farms. He  
5 said they put that in in 1991 and reshaped the road ditch making the drainage come across the field and  
6 not the road ditch. He said he knew from experience that this was not going to be done right and there  
7 really needed to be a backup plan for it. He said that was his concern and all he had to say.

8  
9 Mr. Elwell thanked Mr. Ziegler and asked if there were any questions from the Board or Staff.

10  
11 Mr. Herbert asked Mr. Zielger if he was aware of how many drainage tiles were there currently.

12  
13 Mr. Ziegler said he did not know how many in the total thirteen acres. He said he has not walked the ditch  
14 bank to see what flows in. He said he did know there was a standpipe over there though along the edge in  
15 the low spot.

16  
17 Mr. Herbert asked if that was a surface drain.

18  
19 Mr. Ziegler said yes it was and there would have to be a subsurface drainage tile in to take the water  
20 underneath that into the drainage ditch.

21  
22 Mr. Herbert asked if it was bermed up a little bit along the Saline Branch.

23  
24 Mr. Ziegler said that was correct and there was a bank there that holds the Saline ditch on the south side.

25  
26 Mr. Herbert said thank you.

27  
28 Mr. Hall asked where that standpipe was located.

29  
30 Mr. Ziegler said probably halfway between Squire Farm Road and the west edge of the property without  
31 knowing exactly.

32  
33 Mr. Hall said okay, so approximately in the middle of the property.

34  
35 Mr. Ziegler said no, not in the middle of the property. He said it was just above the bottom of the ditch  
36 bank and maybe out into the field a little bit. He said he thought they were farming around it, so it was not  
37 right up against the edge. He said it was a little east to the number 719 located on Attachment E. He said  
38 there was kind of a dark spot and that was where he thought the pipe was located.

39  
40 Mr. Hall said thank you.

41  
42 Mr. Elwell asked if there were any further questions from the Board or Staff. Seeing none, he asked if  
43 anyone would like to cross-examine the witness. Seeing no one, he thanked Mr. Ziegler for speaking. He  
44 asked if anyone else would like to testify in the case.

45  
46 Ms. Burgstrom said she received an email late that afternoon from someone who owned property adjacent  
47 to the area. She said she just wanted to show that email upon the screen. She apologized for not having  
48 copies for everyone. She said the woman's name was Pamela Warren and she was one of the family  
49 owners of Squire Farms and she had several comments regarding the different waivers. She said they

1 should be required to complete the noise analysis at the homes, there needed to be a plan in place to  
2 remove the solar panels, so she was concerned about the waiver for the decommissioning and site  
3 reclamation plan. She said there was a request for a waiver to lessen the difference between the solar  
4 inverters and the perimeter and fence, she asked why and thought the Board had a good reason for setting  
5 that requirement at 275 feet. She said she was worried about the implications of shortening that distance  
6 if it were to go forward as requested by the business. She read that Ms. Warren was concerned about the  
7 request for a waiver to submit a landscape plan and felt the new owner should be required to keep up the  
8 property outside the data center just like an in-town business would be required to do. She also asked if  
9 there was a tax impact after changing the zoning distinction from CR to AG-2. She said she was opposed  
10 to the changes to the Champaign County Zoning Ordinance and believed the agricultural area of  
11 Champaign County was an asset and should be maintained. She said the waivers would have a negative  
12 impact on the area and hoped her feelings would be considered when making the decision.

13  
14 Mr. Elwell thanked Ms. Burgstrom for the information. He asked Mr. Hall when he felt they should  
15 continue the case to.

16  
17 Mr. Hall said the Board could see the cases listed for the December 1<sup>st</sup> hearing which was the last hearing  
18 of the year. He said sorry, no, that was not correct. He said the final hearing would be the December 29<sup>th</sup>  
19 hearing. He said he felt that would be the earliest because the December 1<sup>st</sup> hearing looked to be already  
20 a full meeting. He said it was up to the Board but for sure could be moved to December 29, 2022.

21  
22 Mr. Elwell asked Mr. Grilo what his thoughts were on continuing the case to December 29, 2022.

23  
24 Mr. Grilo said December 1<sup>st</sup> sounded cool to him but December 29, 2022, would not be a problem. He  
25 said he felt that was reasonable especially since the discovery of the drainage easement. He said that would  
26 give them enough time to adjust the request like Mr. Hall mentioned. He was referring to keeping a strip  
27 of the subject property as CR. He said he wanted to address some of the issues. He said he felt that most  
28 people had similar issues. He felt that he would probably have the noise analysis by December 29<sup>th</sup>. He  
29 said the decommissioning and site reclamation plan was being done by the same engineer doing the  
30 Rantoul location and felt that could probably be done before the December 29<sup>th</sup> meeting as well. He said  
31 the material will not change an incredible amount because the solar company just came out with a new  
32 style and will not change within the next couple of months, and he thinks he would be able to have that  
33 for the next meeting too. He said he still wants to keep the waiver for the distance because it was the best  
34 option to reduce the amount of noise relative to the closest residences. He said they would have the  
35 landscaping plan for the next meeting which will be good. He said he wanted to say for everyone that he  
36 was planning on having a pollinator habitat, but all the edges, fences, and ditches will be manicured  
37 regularly. He said they have a staff maintenance team in charge of the sites, especially the roadways. He  
38 said he could not have it overgrown because that would ultimately prevent solar power production. He  
39 said he believed that was all the issues the speakers brought up if he was not mistaken.

40  
41 Mr. Herbert asked about the field tile.

42  
43 Mr. Grilo said yes, he was just texting the farmer. He said he was not able to see it because there was crop  
44 on it. He said he has never seen the standpipe, but the farmer has been farming it for quite some time and  
45 did not know the field had any tile. He said the farmer did know about the standpipe, however. He said  
46 they were required by Urbana to submit a stormwater management plan and runoff calculations. He said  
47 all calculations done for that location indicated the solar array did not increase drainage runoff compared  
48 to not having the panels. He said there was a very minute distance, so Urbana did not require us to increase  
49 the retention pond area because of the solar area. He said it was all based on the driveway impervious

1 area. He said he would like to alleviate some of the public's concerns. He said he was more than happy to  
2 amend the site plan by including drainage tiles around the perimeter of the array that goes into the drainage  
3 ditch just so they have help with the runoff.  
4

5 Mr. Randol asked since he was willing to do the drainage if the Board should make it a condition of  
6 approval.  
7

8 Mr. Elwell asked if it could just be an update to the site plan.  
9

10 Mr. Hall said it would be better as a special condition if the Board wanted to see a tile. He wanted to point  
11 out that there was going to be less runoff from the solar array than if it would have been agriculture.  
12

13 Mr. Randol said he understood that but just wanted to clarify Mr. Grilo's statement.  
14

15 Mr. Elwell said it was his understanding that it was less runoff with the panels and asked if they anticipated  
16 a need for new tile.  
17

18 Mr. Hall said his concern with tile was whether there was already tile coming from offsite. He said running  
19 a perimeter tile would be a good way to find that out ahead of time, connect it, and give it an outlet. He  
20 said that would be the best reason to do a perimeter tile and that should alleviate any future problems.  
21

22 Mr. Herbert said and or kill the tile inside the perimeter if it was not hooked up correctly. He felt locating  
23 and maintaining current tile was more important than installing new tile.  
24

25 Mr. Grilo agreed. He said the benefit to adding new tiles was finding the location of existing tiles like Mr.  
26 Hall said. He said he had no issue doing it if that was what the Board wanted.  
27

28 Mr. Elwell said he did not want to add an expense that did not need to be there, but he could see in the  
29 future asking Mr. Grilo where the existing tile was. He wanted to know if tile could be added post  
30 construction or if it needed to be done now.  
31

32 Mr. Grilo said he would rather do it before, especially with the fence being along the perimeter. He said  
33 if the Board were to require it he would want it to be before construction and not after it.  
34

35 Mr. Bates wanted to clarify that there was a variance for the setback. He asked if Mr. Grilo had enough  
36 space to meet the required setbacks and was not for the purpose of noise distance to residential property.  
37

38 Mr. Grilo said that was correct. He needed to double check his site plan but was confident he could have  
39 met the setbacks if required.  
40

41 Mr. Wood asked if meeting the setback requirements would put the inverter in the floodplain.  
42

43 Mr. Grilo said no, there would still be some distance. He said additionally, the inverters were about four  
44 feet off the ground. He said he was not concerned with the floodplain as an issue and was more concerned  
45 about the residential property.  
46

47 Mr. Elwell asked if there were any more questions from the Board or Staff. Seeing none, he asked if  
48 anyone would like to cross-examine the witness. Seeing no one, he entertained a motion to continue Cases  
49 067-AM-22, 068-S-22, 069-V-22, and 070-S-22 to December 29, 2022.

1 **Mr. Bates moved, seconded by Mr. Herbert, to continue Cases 067-AM-22, 068-S-22, 069-V-22, and**  
2 **070-S-22 to December 29, 2022. The motion carried by voice vote.**

3  
4 Mr. Elwell asked if he needed to close the Witness Register.

5  
6 Mr. Hall said it was best to.

7  
8 Mr. Elwell entertained a motion to close the Witness Register for Cases 067-AM-22, 068-S-22, 069-V-  
9 22, and 070-S-22.

10  
11 **Mr. Bates moved, seconded by Mr. Roberts, to close the Witness Register for Cases 067-AM-22,**  
12 **068-S-22, 069-V-22, and 070-S-22. The motion carried by voice vote.**

13  
14 **8. Staff Report** – None.

15  
16 **9. Other Business**

17 **A. Review of Docket**

18  
19 Mr. Elwell said his term was up on the 30<sup>th</sup> of November. He said he asked for a second term but has  
20 not heard back from the County Executive, so if this was the last time meeting with the ZBA he greatly  
21 appreciated the time, civility, leadership, and the thought process. He said he knew the ZBA was going  
22 to be in good hands if he was not asked to come back.

23  
24 Mr. Herbert said he was sure Mr. Bates would like to step up and take the role as Chair if needed.

25  
26 Mr. Elwell thought that was insightful.

27  
28 Mr. Hall asked if Mr. Bates was Mr. Herbert’s friend.

29  
30 The Board and Staff laughed.

31  
32 **10. Adjournment**

33  
34 Mr. Elwell entertained a motion to adjourn.

35  
36 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting.**

37  
38 Mr. Elwell requested a roll call vote.

39  
40 The vote was called as follows:

41	<b>Randol – yes</b>	<b>Roberts – yes</b>	<b>Herbert – yes</b>	<b>Elwell – no</b>
42	<b>Wood – yes</b>	<b>Bates – no</b>	<b>Anderson - absent</b>	

43  
44 The meeting adjourned at 8:10 PM.

45  
46 Respectfully Submitted

47  
48  
49 Secretary of the Zoning Board of Appeals