

Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on June 21, 2018 at 7:00 P.M. in the County Board Chamber in the County Complex.

ATTENDANCE (X) denotes present

(X) Chairman Chimento	(X) Committee Member Mares
() Committee Member Wulf	(X) Committee Member Sudeth
(X) Committee Member Spiro	() Committee Member Beaty
(X) Committee Member Lathan	

STAFF PRESENT:

Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission
Emily Prather, Associate Planner, Spfld-Sang County Regional Planning Commission
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission
Dwayne Gab, Assistant States Attorney, States Attorney's Office
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

Chairman Chimento called the meeting to order.
Approval of May 17, 2018 Minutes

Committee Member Tony Mares made a motion to approve the May minutes.

Committee Member JD Sudeth seconds the motion.

5/0/0

Docket 2018-017 J & L Strawn Properties, LLC for property located at 7836 Johnson Road, Rochester, IL 62563 ZBA POSTPONED TIL JULY 19TH MEETING

Committee Member JD Sudeth made a motion to postpone til next month meeting.

Committee Member Tony Mares seconds the motion.

Docket 2018-023 Erik Karhliker for property located at 2623 Hilltop Road, Springfield, IL 62707

PETITIONER(S): Erik Karhliker

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet and a variance to allow a parcel without public road frontage.

Erik Karhliker was sworn in.

Karhliker: I'm asking for a variance on my garage. The property line to be 7 feet instead of the required 30 feet due to the way the house sat previously to the south....was always the front and now "they" are calling the east side of the property the front of the house.

ZBA Chimento: Would you say that again?

Karhliker: Yes, the south side would be the front of the house and where the garage is, is now called the front of the house; that's why I'm asking for the variance to be the 7 feet.

ZBA Chimento: When you built that garage, you didn't get a building permit, is that correct?

Karhliker: Correct.

ZBA Chimento: Is there a reason for that?

Karhliker: No, I was just given some wrong information and I didn't look further into. I should of once it was brought to my attention. I went and applied for permits and brought it up to code.

ZBA Chimento: Changing the front of the house, changes the side setbacks right?

Harrison: Not necessarily...the way the zoning ordinance deals with the shape of the lot...it goes not by where the house sits but more addressed as shape...the front of the property would of always been the east property line; even though the house faces south the property line faces east.

ZBA Chimento: Asked if any questions...County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested front yard setback variance. The petitioner never applied for a building permit for the garage addition which appears to have been constructed between 2014 and 2015. The Standards for Variation are not met for this request.

Recommend approval of the requested variance to allow a parcel without public road frontage. The subject property was created in 1989, so granting the zero road frontage variance will bring the parcel into compliance. The Standards for Variation are met for this request.

Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.

Committee Member Gina Lathan seconded the motion.

Motion carries 5/0/0

Docket 2018-024 Michael Hemberger for property located at 3550 Hudson Road, Auburn, IL 62615

PETITIONER(S): Michael Hemberger

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioner requests a variance to allow an accessory structure to be approximately twenty-one (21) feet instead of the required eighteen (18) feet allowed in the "R-1" Single-Family Residence District.

Michael Hemberger was sworn in.

Hemberger: I'm building a pole barn...the height is going to be 21 feet; I understand that currently the limitations are 18 feet, so I am requesting a 3 foot additional variance.

ZBA Chimento: What are you going to store?

Hemberger: I have a 9 foot trailer and it requires a 10 foot door, so I wanted a higher ceiling. It's going on approximately 2.85 acres.

ZBA Chimento: Any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. Allowing an accessory structure to be 21 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The Standards for Variation are met.

Committee Member Tony Mares made a motion to recommend approval of staff recommendation.

Committee Member JD Sudeth seconded the motion.

Motion carries 5/0/0

Docket 2018-025 Cheryl Kutchma for property located at 5959 Barlow Road, Riverton, IL 62561

PETITIONER(S): Cheryl Kutchma

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Mark Marinelli was sworn in.

Marinelli: My aunt owns the property and she offered to subdivide it, so I can build a home on there.

ZBA Chimento: So, you’re going to build a home on there?

Marinelli: Yes.

ZBA Chimento: Any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. While the LESA score of 208 indicates the property is suitable for agricultural use only, the subject property is in an area of established rural residences, and the proposed parcel sizes are consistent with the other lots in the immediate area ranging from one to five acres. Granting the proposed variance would facilitate creation of a lot that is consistent with the lot depth to lot width ratio of other parcels south of the subject property have including nine (9) parcels on the west side of Barlow Road and five (5) parcels on the east side of Barlow Road. The Standards for Variation are met.

Committee Member JD Sudeth made a motion to recommend approval of staff recommendation.

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Docket 2018-026 Richard Narup for property located at 20 Country Lake Road, Springfield, IL 62711

PETITIONER(S): Richard Narup

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Richard Narup was sworn in.

Narup: I want to sell 3.62 acres of my property to my sister, so she can build a house.

ZBA Chimento: Any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The LESA score of 135 indicates the property is acceptable for non-agricultural development. The subject property is in an area of established rural residences, and the proposed parcel sizes are consistent with the other lots in the immediate area ranging from less than one acre to ten acres. The lot-width-depth variance is needed in order to keep the current residence, outbuilding, and pond on one parcel for the requested division. The Standards for Variation are met.

Committee Member Gina Lathan made a motion to recommend approval of staff recommendation.

Committee Member Andrew Spiro seconded the motion.

Motion carries 5/0/0

Docket 2018-027 Robert Underwood for property located at 2900 S. Allis Street, Springfield, IL 62703

PETITIONER(S): Robert Underwood

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-2

REQUESTING: Petitioner requests a rezoning from “R-2” Single-Family and Two-Family Residence District to “RM-4” Manufactured Home District.

Robert Underwood was sworn in.

Underwood: I am looking at a property at 2900 S. Allis and want to get it rezoned to RM-4.

ZBA Chimento: Are you going to put a trailer on for yourself?

Underwood: I am going to give the property to my daughter.

ZBA Chimento: Have you seen the recommendation?

Underwood: No.

ZBA Sudeth: How long have you owned that property?

Underwood: Little over a year.

ZBA Sudeth: Ok, I just noticed that it didn't look like it's been maintained.

Underwood: I mowed it recently.

ZBA Sudeth: Do you live close to the property?

Underwood: I live over near Stanton.

ZBA Lathan: Is the intention for your daughter to live there?

Underwood: Yes.

ZBA Spiro: would building be cost prohibited...like a home?

Underwood: Yes.

ZBA Chimento: Any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend denial of the requested RM-4 zoning. While one parcel located on the corner of Henry and Allis was granted RM-4 in Zoning Case #1977-A-44, the trend of development for the surrounding area has remained R-2.

ZBA Spiro: I have a question for staff...there hasn't really been much development in that area, has there?

Keenan: We didn't notice any, or new construction in this 2 block area.

ZBA Spiro: Ok, what I am thinking is RM-4 is just a few doors down and it was approved when it was R-2 and now we have this one and it's not being approved.

Keenan: The properties were approved 40 years apart.

ZBA Spiro: The R-2, or this one?

Keenan: The RM-4 on the corner, slightly south in 1977...41 years ago.

ZBA Mares: Question for staff...in the vicinity are there any new mobile homes...other than the one at the corner. Is this a unique situation?

Harrison: If you look at the aerial there are currently three mobile homes...the one on the corner is currently RM-4 and another one down the street. Currently there are three in that block area.

ZBA Mares: And were those lots zoned RM-4?

Harrison: Only 1 of 3 are currently zoned RM-4.

ZBA Mares: Grandfathered or what are the circumstances

Harrison: yes, they are currently zoned R-2.

ZBA Spiro: Isn't there a mobile home park on Cottonwood?

Keenan: Yes, there is one along Eleventh Street. A few blocks to the south...that's correct.

Committee Member Andrew Spiro made a motion to reject staff recommendation.

- (i) Existing uses of property within the general area of the property in question.

The existing uses of the property within the general area are a mix of residential and manufactured homes.

- (ii) The zoning classification of property within the general area of the property in question.

The zoning classification of the property within the general area of the property includes RM-4.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The R-2 District does not allow a manufactured home, but the property in question cannot be economically used or yield a reasonable return or be permitted to be used with only the conditions allowed by the regulations.

- (iv) The trend of development, within the vicinity since the property was originally classified.

Looking at the area around the subject property with the other manufactured homes, RM-4 is suitable for the classification.

Committee Member Gina Lathan seconded the motion.

Motion carries 5/0/0

Docket 2018-028 Solar Provider Group IL LLC (SPG) for property located at 660 N. Oak Road, Rochester, IL 62563

PETITIONER(S): Solar Provider Group IL LLC (SPG)

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests a Conditional Permitted Use for a Solar Farm Energy System (SFES) and a variance to allow two (2) uses on one (1) parcel: (1) single family residence and (2) Solar Farm Energy System.

Chris Mavity (Representative for Solar Provider Group IL LLC) was sworn in.

Mavity: I am here to apply for a variance to construct a solar project located at 660 N. Oak Road in Sangamon Township.

ZBA Chimento: Can I ask you a question... why did you come down from Canada, why didn't you pick this location?

Mavity: We source out landowners. At this property and they were interested in solar and understanding. And it brings in some good income.

ZBA Chimento: So, the landowner contacted you?

Mavity: Yes, so we outsource the landowners in the area and sign lease agreement with them and so the area that you use there on the screen lease through our company and each year they are paid a certain amount of money for the acreage that we use for the project.

ZBA Chimento: So, the electricity produce by this solar area is going to go into Ameren?

Mavity: Yes, it will go back on to the grid and the local residents, if they are customers of Ameren Illinois are eligible to subscribe to the project which we can discuss at a further date.

ZBA Chimento: What do you mean by subscribe?

Mavity: So, they would get a certain amount of money per month and save on their energy bill.

ZBA Chimento: The surrounding people?

Mavity: Anyone who is a customer of Ameren Illinois.

ZBA Chimento: Oh.

ZBA Mares: Question for staff...was there a LESA done?

Berns: No, we did not because it's a conditional permitted use and is not needed because we aren't changing the underlying zoning and LESA scores are not required as part of the analysis.

ZBA Mares: What is the current usage of this land?

Mavity: Its soybean fields...where the solar is going to go.

ZBA Mares: How many acres is this project?

Mavity: I believe its somewhere around 7-8 acres.

ZBA Chimento: So, the lot area is 37.8; are you applying for the whole 37.8?

Harrison: The way the ordinance is setup Mr. Chairman is that the subject parcel is the entire parcel, so that's what the conditional permitted use addresses. They may not of course use the entire area but we have to use the area of which they are going to put their equipment on.

ZBA Mares: Is this all tillable acreage?

Mavity: The area in which the panels are located are fenced in and that's the acreage that we go by.

ZBA Mares: And just out of curiosity...it says here it has a 15 year life span; I don't know that much about solar energy but how is the 15 year determination made?

Mavity: It's a contract with Ameren Illinois and I believe its 15-20 years and one of the requirements on our side is decommissioning plan, so when that 15-20 years is up and the landowner wants to turn that property back to farmland per say...y'know there's a decommissioning plan in order and that's all provided at the start of construction.

ZBA Sudeth: Who will financially be liable for that decommissioning?

Mavity: Solar Provider Group.

ZBA Mares: With this being tillable ground...if you put these solar panels up; how is the ground going to be maintained, for 15 years and be able to go back to tillable ground?

Mavity: So, in most cases the landowner, themselves, will sign a contract with Ameren and they maintain the grounds, whether that be grass cutting and maintaining weeds. If not we source it out to a local landscape company.

ZBA Mares: Do you have other projects with Ameren Illinois or any other vicinity?

Mavity: Yes sir, there's three being proposed in the Kankakee area and another three just west of Chicago about an hour outside.

ZBA mares: My question is how many are up and viable and been in place?

Mavity: There are zero right now; the solar program in the state of Illinois I believe is very new and I think this state has a goal of 25% renewable energy by 2025; and I think that was just passed here very recently.

ZBA Mares: There's a mandate to do this but we don't know if it's going to work?

Mavity: We have developed in other states, New York and Minnesota and hundreds of megawatts in Ontario.

ZBA Spiro: So, it's not a technical issue at all; you can make electricity and put it on the grid.

Mavity: Yes, within the last month or so we connected back home in Ontario.

ZBA Mares: Is there a transformer station close to this; I mean once you generate the power from what we understand you have to be within close proximity to transmit that, correct?

Mavity: Yes, so on the grounds of the property just along the road there, there will be a transformer along with various other electrical equipment...whether it be shutoff switches or computer programming to monitor exactly how much the system is generating.

ZBA Mares: It looks like it's currently in access?

Mavity: It's on the west portion there...just beside the home.

ZBA Mares: It's already a transmission station?

Mavity: No, that will be installed.

ZBA Spiro: Oh ok, but there's a substation there?

Mavity: The substation is located just south of there, but as far as our project is concerned we tap on to the hydro pole just beside the house's entrance there, so the pole is on the other side of the road and there will be another pole that is constructed on the side of the project and that will run underground.

ZBA Chimento: How long would it take to put this in?

Mavity: 2-3 months.

ZBA Chimento: Is there any concrete poured with your steel supports or do you just put it in the ground?

Mavity: For this area it will likely just be a helical pile which is technically like a screw going in to the ground or an "H pile" that's dripping in, similar to like a hammer.

ZBA Chimento: So, it's taking out ground to be farmed?

Mavity: Yup.

ZBA Spiro: There won't be a concrete pad?

Mavity: There will be a concrete pad where the transformer is located and equipment pad.

ZBA Spiro: But there's channels?

Mavity: No, sir.

ZBA Chimento: County Board have any questions?

CB Scaife: I am interested in the subscription for the rebate? Does that cost to join or how does that work?

Mavity: Honestly, I can give you my contact details; we have people in the office that can deal with you. I can't go into any details at this point.

CB Scaife: Hmm, I've never heard of that before. Thank you.

CB Madonia: I have no problem with the concept, in fact I saw one in his beautiful providence about 10 days ago when I was driving through it, on my way to Niagara Falls but it was out in the middle of nowhere and it was a nice setup and beautiful. But this is right next to a subdivision and I have a problem with that and being in my district. I think it's a little too close to the neighbors; it's a nice setup believe me I saw it far away from the road but I wouldn't want to look at this every morning. I wouldn't.

ZBA Spiro: Aren't they already looking at an electrical substation? And isn't that substation between them and the house?

CB Madonia: I don't think so. We are talking about a field of glaring panels, not just a substation. We are talking a field from here to probably Saputo's of glass panels which is fine, but not in a residential neighborhood. That's all I have a problem with. You want to do it 10 miles out in the middles of nowhere? That's fine. I know why they are doing it because it's right next to the substation and the power grid and cost effect. I don't see the people who bought the houses in that subdivision are going to think it's cost effective to have solar panels sitting out there.

ZBA Chimento: Ok, anybody else? Objectors?

John Stites was sworn in.

Stites: I'm the developer that has the subdivision right across the street. I also live in the subdivision, I also am on the homeowner's association and I am also a member of the Rochester business club. Everyone that I have spoken to personally is not in favor of this. They object to this and don't want to look at it. We are concerned about property values; I just spent a million dollars this spring putting another addition in the subdivision. Rochester put a TIF district in place out there last year; this property that the proposed solar farm is going on abuts the new TIF district which is signing for another residential project will directly back up to it. We are caddie corner across the street from it now. I personally would have to open my front door to look at it; I'm not really thrilled about that. I am not seeing any positives for our neighborhood. This young man is from Canada and looking for sights apparently all over the country. I am not against solar panels at all I think they are great in their place. I just don't think this is an appropriate place for a solar farm; it brings no pertinent jobs, it brings nothing to our economy to Rochester or Sangamon County; unless I am missing something? The economic growth is crucial to Rochester growing and this will substantially impact that. I think it will be tough to build a new subdivision back up against that; that's what the village has created the TIF district

for. I believe the village has also issued a letter to your committee, Mr. Chairman to oppose this as well. So, I haven't seen the letter I have just heard that the letter has been issued, so on those grounds is why I would like to see the board recommend denial of this.

ZBA Spiro: Are you speaking for the Village of Rochester as well as yourself?

Stites: I'm speaking as a citizen and as a member of the business club and a developer and landowner. I'm not speaking for the village.

ZBA Spiro: Well alright, one question as far as the effect of property values; do you have any kind of study or measure on the property?

Stites: I do not these are so new; I don't know that there is anything out there or either to the contrary; I honestly don't know I mean I have been looking

ZBA Spiro: My second question...did you build your subdivision before or after the substation?

Stites: It was kind of in tandem it went in half way through the process.

ZPA Spiro: Did you have any kind of complaints or oppositions to the electrical substation?

Stites: Yes, we did from a few of the residences. It went in after the first and second addition went in. The substation moved, it was about a 1/4 mile further to the north and they moved it closer to town. And some of the neighbors made objections to some of the lighting and Ameren out of courtesy came out and lowered some of the wattage on the lights just because it was so bright at night; they came out and corrected whatever some of the concerns the neighbors had.

ZBA Spiro: So in other words Ameren worked with the residents and the residents got used to the substation and telephone poles and wires being there?

Stites: It was an upgrade for our area, it was needed.

ZBA Spiro: So conceivably they could get used to solar panels, as well? And there is no measure of economic detriment or reduced property values?

Stites: There isn't and like I said it's so new there really is no measure of that. There's no measure of property tax values being impacted one way or another. I don't know that it would add value; I think the odds are it would detract more than it would add value.

ZBA Spiro: But that's all peer speculation.

ZBA Mares: Is the power that's being provided here available to the citizens of Rochester? Or is this Ameren substation going to give reduced rates in Rochester or is Rochester CWLP?

Stites: This is an Ameren substation that was designed to feed power to Rochester; it doesn't feed to any other communities.

ZBA Mares: So, there would have to be a benefit to this?

Stites: I don't know what it would be; we have been proposed with any benefit package whatsoever.

ZBA Spiro: Well you just said they can sign-up for reduced rate or rebate, or subscription...

Stites: Well that was for all Ameren customers.

ZBA Spiro: But, Rochester people could do it?

Stites: I'm assuming based upon the programming...I can't speak on something I don't know anything about.

CB Scaife: He doesn't know any details either Andrew; so there again that's speculation.

ZBA Spiro: I know.

ZBA Sudeth: Is your subdivision in the city of Rochester?

Stites: Yes, sir.

ZBA Sudeth: I assume that property just south of this proposed site is the TIF district?

Stites: Yes, sir.

ZBA Sudeth: Has it been incorporated into the city of Rochester?

Stites: Yes, sir.

ZBA Sudeth: So, basically this will lay on the edge of the city of Rochester?

Stites: Yes, sir.

ZBA Sudeth: Ok.

ZBA Chimento: Ok, any further questions? Any other objector? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. The petitioner is proposing to comply with all the specific setback requirements and additional standards in the Solar Energy System Ordinance and maintain the site. The petitioner will also use the type of solar panel that is designed to limit the negative impact on adjacent property owners. The petitioner states that “At the end of its lifespan, the system will be decommissioned, and the land will be returned to its prior state – fully guaranteed through a decommissioning plan...”, so after the approximate 15 year lifespan the SFES could be converted back to cropland, reverting the property back to one principal use.

Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.

Committee Member Charlie Chimento seconded the motion.

Motion carries 3/2/0

Docket 2018-029 Legacy Real Estate Professionals LLC for property located at 12051 Main Street, Glenarm, IL 62536

PETITIONER(S): Legacy Real Estate Professionals LLC

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: R-1

REQUESTING: Petitioner requests a rezoning from “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow the front yard setback to be five (5) feet instead of the required fifteen (15) feet; a variance to allow the side yard setback on a corner lot to be five (5) feet instead of the required seven and one-half (7 ½) feet; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Dan Wallace was sworn in.

Wallace: I am requesting a rezoning from “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow the front yard setback to be five (5) feet instead of the required fifteen (15) feet; a variance to allow the side yard setback on a corner lot to be five (5) feet instead of the required seven and one-half (7 ½) feet; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat. The property used to be R & B Electric; it’s been a business and has always been a business. It caught on fire and took the insurance company forever to re-do everything. It took me awhile to purchase the property. I just want to put it back to its original footprint; the property has poor concrete and the walls are 1 foot thick. The rest needs a new roof and the pole building will be used for storage.

ZBA Chimento: And using for your office too?

Wallace: I'm with Envirofoam of America; so I want to store insulation, fiberglass, and cellulose.

ZBA Chimento: It's going to be a warehouse?

Wallace: Yes and store trucks

ZBA Chimento: Oh and trucks, is it that big?

Wallace: We have pickup trucks, man lifts those type of things.

ZBA Chimento: Any questions? County Board? Objectors? Hearing none read the staff recommendation.

STAFF RECOMMENDATION: Recommend approval. In 2017, there was a fire on the subject property that caused substantial damage to the principal building. Delays by the insurance company caused the property to lose its non-conforming status, and the owner now seeks relief to reconstruct the building on the same footprint as the previous structure. The requested B-3 zoning is appropriate due to the mixed zoning (B-3, I-1, and R-1) in the block bounded by Judd, Main, Robb, and the railroad tracks with the prevailing trend toward commercial/light industrial usage. The setback and parking surfacing variances will grant relief for non-conformities that existed prior to the fire. Negative impacts are not anticipated in granting the variances. The Standards for Variation are met.

Committee Member JD Sudeth made a motion to recommend approval of staff recommendation.

Committee Member Tony Mares seconded the motion.

Motion carries 5/0/0

Docket 2018-030 Advanced Seed Solutions, LLC for property located at 3000 Block of Curran Road, New Berlin, IL 62670

PETITIONER(S): Advanced Seed Solutions, LLC

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for Proposed Parcel 1: a rezoning from "A" Agricultural District to "B-2" Retail Business District and a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat. Petitioner further requests for Proposed Parcel 1 that if the request for rezoning to "B-2" Retail Business District is deemed inappropriate that a Use Variance be granted in

accordance with Chapter 17.68; and a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).

Jack Hardwick and David Wallner were sworn in.

Wallner: We are looking for a Use Variance for agricultural zoning at the proposed address. We operate Advanced Seed Solutions...it is a seed business as well as crop consulting. We currently are operating out of Jacksonville, IL and have since grown out of that location and it's not really centrally located for either of us or customers we service; most of our business is in Sangamon County and around Sangamon County. We are looking to centralize the location and better road access. We are looking to put up a Morton style facility approximately 80' x 180' x 80' x 200' in size with a rock driveway, for farm equipment. Most of our traffic, if not all of our traffic will be on Curran Road; that's where our entrance is. Our proposed entrance is Curran Road up to I-72 so all of our traffic will come off of Curran Road. Currently in 2018, we have about 80 semis total and about 1/3 go to our customers (which are farmers in central Illinois). So we have about 50 trucks in 2018 and that averages out to about 1 semi-truck per week. Now there are times we don't have any for entire month but all of that traffic will take place on Curran Road; I understand that is a concern of the residents in the area.

ZBA Chimento: Jack, do you have anything to say?

Hardwick: We are looking to expand here and it's a nice piece of property; it's centrally located for the growers. The semis actually can't make a turn off of Bunker Hill Rod, so everything will come off from the South and go over to I-72 and turn in to the property.

ZBA Chimento: What will be your hours of operation?

Hardwick: Hours are seasonal. Dave and I are the only employees. Hopefully we expand at some point and get a third employee. Hours will typically be 8-5 or 8-4...Dave and I work very remotely on sites/farms. There won't be people there all the time. Our foot traffic is very light. I would anticipate maybe 1 farmer per week; everything is very direct and taken to the fields.

ZBA Mares: So, basically this is a storage facility?

Hardwick: Yes.

ZBA Mares: Question for staff...with access to I-72 and Curran Road; is Curran Road rated for semi traffic?

Harrison: One of the things in our meetings we had is for them to reach out to the local road commissioner and just verify that this type of business would be allowed and suitable...at this point just because the zoning approved doesn't mean the rest is allowed.

ZBA Mares: A semi 80,000 lbs...im not sure Curran Road rated for that?

Hardwick: I spoke the road commissioner (Mark Komnick) and he had no concerns and are all rated 80,000 lbs. year round. He had no concern with the traffic.

ZBA Spiro: In Curran itself they have other facilities...did you consider maybe getting a place nearby closer to interstate?

Hardwick: Yes sir, we have been looking in western Sangamon County for nearly 2 years and some of the property in the area that you are speaking about...none of those owners are interested in selling right now and that's the biggest challenge that we found with the Sangamon County zoning restrictions. It is very hard for a landowner to segregate out 5 acres for us when they farm that ground and that ground is getting passed down from generation. If they segregate out 5 acres to us as long as they own that property they aren't able to do so. Most farmers or landowners in the area simply aren't interested in selling us ground for that reason because down the road they may want to do something with the property.

ZBA Mares: Are you looking to purchase the property or lease?

Hardwick: Yes, we are looking to purchase the property.

ZBA Lathan: I have a question for staff...is that a correct statement about the property?

Berns: Yes and no...I think what he is referring to is under the Illinois Plat Act there's the ability for every 40 acres for the original landowner they can separate off 5 acres. And so if they would do that to sell these gentleman to sell the 5 acres they would lose that right for the 40 acres for one of their own family members for the future.

Hardwick: Yes, that was our understanding too.

ZBA Sudeth: Are we rezoning this whole parcel beyond the 5 acres?

Harrison: The original request was subject to the 5 acres, so it was intended if the zoning goes through the actual zoning doesn't change until the land occurs, but the remainder will still be agriculture.

ZBA Chimento: David...

CB Mendenhall: Someone who has spent over 45 years in the seed business; there is going to be a huge impact on a residential area. And as a business owner...if you want and hope to continue to grow, you want to find a spot where there is an area to grow and it's not just going to be semis coming in to deliver the seed; I would say 70% of the farmers in the area have their own semis so they would be coming in to pick up their own seed and when the season is over they will be coming back to drop off their excess seed. They are correct the roads are posted at 80,000 lbs. in the state; we are putting an Ag business that they hope will grow in a very close area next to a residential area. He stated

that you have looked for 2 years for property. I would be happy to give you my number and be able to share with you about 10,000 acres of ground that is for sale that they could build their business outside of a residential area.

ZBA Chimento: Cathy...

CB Scaife: I have to say this is a unique situation...while that property they are looking at is in Craig Hall's district...the residents all along Bunker Hill and Emerson are in my district. And this location is not a good one for that...it doesn't meet the character of the neighborhood and it totally changes it. And if you do want to grow, this is one time I will have to agree with Andrew, you should have looked across the street on Curran and went down that way...all down Wabash and heading down is all commercial and a much better location. I'm not for it.

ZBA Chimento: Any objectors?

Kriegh Moulton was sworn in.

Moulton: The first thing I wondered about is that this is a 40 acre piece of land and it has turned into a 5 acre piece. I don't even know where that is supposed to be in that area. The sign posting I missed; it apparently was removed so I have had very little time to think about all of this. If we talk about the roads...Curran and Bunker Hill roads are not kept well. There is not enough room for 2 trucks and both of us have to get off the road to get through. I think Bunker Hill may be slightly wider than Curran. In the winter time they are not maintained. The ice is incredible and particularly down Curran Road there is a hill and my truck has slid off the road because it's not maintained. There is often a flood at the bottom of that road and water floods that area a lot and it has harmed the road even more. The second major concern I have is property value and appearance. This area couldn't be any closer to 5 other homes in an area; there are homes elsewhere but not as close as this. I am concerned about the dust, appearance, trucks and water runoff. As the corn or beans are taken away there is nowhere for that water to run off to. The creek floods and already I have had issues with the big tiles that run under. The area can get flooded and I am concerned it will get worst. In 2-5 years what will be the expansion of the business on the land? And is there an intention to produce seed of your own?

ZBA Chimento: I would say...it would take millions to do it.

Moulton: How do you determine the need for it? What sort of things do you do to figure out the need for the seed?

ZBA Spiro: The marketplace.

Moulton: I don't have anything else to say but I would hope that it gets denied.

ZBA Lathan: In regard to traffic flow and frequency...it sounds like I am hearing two different testimonies that range greatly in traffic.

Keenan: All I can speak to is in forms of the staff analysis is in terms of the road; the road is 16'-18' of pavement...it is township road it's not a county highway so we scored that with a few points...a county road would have had a lower score. The LESA score which was 192 and because of the high LESA score is why staff denied the B-2 zoning but granted a use variance. As far as the traffic, the amount of traffic that may be generated I would direct towards the petitioner.

ZBA Lathan: The groundwater runoff...can you speak

Keenan: From a regulatory standpoint...groundwater we don't have much control on that that's more of an issue they would need to get an erosion control permit

Berns: Point of clarification. The proposed 5 acres is in the bottom right hand corner; the building will be further south further away from the houses, so in the event the dirt is displaced it will be further away from the houses. That alone will minimize the runoff.

Harrison: The current access is off of Curran Road. I believe the reason it's so long is because that's the only one they can utilize. And by moving it up here they would be in the overpass.

ZBA Spiro: So, you are denying the zoning but approving a use variance?

Keenan: Yes, that's correct.

ZBA Sudeth: David, you said 80 semi loads max is what you will be operating...does that include your return on boxes?

Wallner: That doesn't include the return on boxes for semis. Most of my boxes come back on semis, so the 80 number was total semis going out coming in, all of it. Some of the stuff is included with pickups...that doesn't include pickup.

ZBA Chimeto: I traveled this road for 35 years and I had a business in Auburn and I never had any problems that the previous witness had.

CB Scaife: Well, they are out there.

ZBA Chimento: Not on that road, I traveled that road back and forth...never any problems.

Barb Krueger was sworn in.

Krueger: I live ½ mile to the north. I have seen a lot of changes out there. I have been for some and against some. We had our neighbor's niece wipe out on the road covered in ice. We have asked for help with cinders or sand and got nothing.

ZBA Chimento: What road was that?

Krueger: That was on Emerson road. This road in the winter is not maintained well and I can tell you that.

ZBA Chimento: Excuse me...what road are you talking about?

Krueger: Emerson and Bunker Hill roads...

ZBA Chimento: Ok, but we are mainly talking about Curran Road.

Krueger: They will come from the north also and down Emerson Road. There is a lot of traffic on that road. They will get a lot of traffic. They aren't going to go around...they will go down Emerson. I know they are going to have some gravel and not all going to be concrete or blacktop...I'm not going to get the dust but the residents across the street will. The home values...he didn't say but he (Moulton) has a half million dollar home there and he chose we all chose to live out there and buy our 5-10 acres. I can't tell you the exact amount but it's the principle of conformity for an appraisal and if you don't have conforming things (i.e.: house, house, house) then you have a business in a neighborhood its takes the value down and people don't want that. It will effect home values. The thing is if you approve for this area there are other areas and it will make it easier for the next business. It will set a precedence. I see it all the time in zoning. There are better places for this business then here in this location. The traffic and roads are a major concern and home values.

ZBA Chimento: Any questions?

ZBA Lathan: Have you engaged a realtor for this property?

Hardwick: No, we have not. We have talked with brokers of farmland. Our biggest concern with the realtor aspect of it, is this is a seed business and it doesn't generate millions of dollars of revenue. The property along Wabash sells by the square foot not by the acre. The purchase price that we were in agreement with is a little above farmland values but not a lot. The type of business that we operate can't go and buy commercial real estate, such as Wabash. I wish we could but not feasible in the business that we run.

ZBA Chimento: How many customers do you think you guys have?

Hardwick: About 60 customers throughout central Illinois.

ZBA Chimento: So, that's 60 seed customers?

Hardwick: No. Jack does crop consulting. Seed customers we would have roughly 30 or so. And a lot of them have direct shipping, so the seed never touches "our hands". It goes directly to the end user.

Wallner: I would say about 80% of the customers we deal with have never seen the building we operate out of. Our foot traffic is extremely minimal...we go direct to the farm.

ZBA Chimento: 80 semis for 60 customers...a semi per customer.

Hardwick: Yes, sir.

ZBA Sudeth: Are you guys moving corn and beans?

Hardwick: Yes. And for clarification...all of the seed is in sealed sacks or sealed containers. On the drainage aspect of the property we shot elevation on that piece and the ground the southeast corner is actually the flattest part of the ground where we are proposing to put the building. And it naturally rolls to the south towards I-72. And the elevation dips into the southeast corner. So the water being discharged from our building would actually roll back to the southeast corner and I-72. There's a cress in the middle of the field that breaks the water from north to south.

CB Hall: My concern is the truck entrance such as 400' off of I-72 and trucks coming in and out. A truck sitting on other side of ramp and cars going through there and people are busy. It's a dangerous road. I think the road commissioner in the area does a great job and I think it's just more people coming out in that area. There's no way to configure your entrance any further north...maybe purchase more property to the north. The entrance is my biggest concern.

Hardwick: We investigated going to the north but to be good neighbors we tried to tuck up into the southeast corner closer to I-72. We positioned building down there and use the existing road.

CB Scaife: Do you plan to do any outdoor lighting, fencing, or berms with pine trees?

Hardwick: The outdoor lighting there would just be lights, such as safety lights over the doors. As far as fencing, no we have no plans to put up any fences. I do have full intentions to landscape the property. This isn't a fly by night operation. We want to put up an aesthetically pleasing Morton building that looks good and that we are proud of. We want it to look professional.

CB Scaife: I understand, but you have to understand this is not personal...but the big concern is that if you are allowed to do this now; there will be others down the road that are allowed too.

Hardwick: Thank you, I understand.

ZBA Chimento: Anyone else?

Sarah Restropo was sworn in.

Restropo: I have lived out there for about 25 years; and I have noticed every time there is road blockage, ice, or road construction the shortcuts between Old Jacksonville Road and Curran becomes Emerson Road, Curran Road...the traffic increases tremendously on my road. You mentioned hazardous bags...is there any hazardous materials that we need to know about?

Hardwick: No.

Restropo: My last point is I have lived out there 25 years+; we live on some of the best soil in the world here in Illinois...good black dirt. And every time they do construction or run pavement over; it pains me to see we are taking out crop land.

ZBA Chimento: Anyone else?

Ben Green was sworn in.

Green: my main concern is the zoning as well as the amount of traffic that comes in. I know those roads very well because I live at the intersection of Curran blacktop and Bunker Hill Road. I have personally build several vehicles out of my property, in the winter, from that intersection. I know the entrance they are talking of and I don't see semis making that turn. As far as the property values we are concerned with that being a residential are. The 40 acres in question is caddie corner from my home. I have great concerns about that as well as it being a business facility...what about restrooms because there is no sewer availability in that area. If that variance is granted for them what does that do for the next step, but what's next? We are already get a lot of traffic and Mr. Moulton is correct about the two trucks won't be able to pass simultaneously you have to leave the main surface on to the shoulder to let trucks/cars pass.

ZBA Sudeth: Are you on the southeast corner of the intersection?

Green: yes.

ZBA Sudeth: How far is that from your property to entrance?

Hardwick: It's probably a little over a 1/8 mile.

Green: My wife walks that area daily with two dogs up to the over pass and back.

Berns: The corner down to the entrance is 572 feet.

ZBA Sudeth: Ok.

ZBA Chimento: Anyone else?

Kathy Sexton (not sworn in by Chairman Chimento): It's directly in front of my house and we have been there since 2003 and my concern is you let one business there; then what's to come down the road?

Shirley Green was sworn in.

S. Green: The roads are horrible and anyone that lives on them will tell you. There are potholes everywhere and the ice is awful on them and cars sliding off and trucks running into yards. Bunker Hill Road until you get to the park is horrible. It's not maintained correctly. Semis going down them are not going to help, in the least bit. We have a peaceful place to live and nothing against the business, it's what creates and you open it up to all other types that could come out there.

ZBA Chimento: You guys have a rebuttal.

Harrison: Mr. Chairman...there is one more objector.

Phil Sidles was sworn in.

Sidles: Mr. Chairman again I find myself again in a very unique situation. I am representing the Farm Bureau organization and at the same time I would like to personally represent myself. As an organization Farm Bureau represents business and this is another point where the County needs to look at some other form of zoning...for an agri-business, specific project. I think that would eliminate some of this confusion that we have on this particular zoning case. As an organization we do not take precedent on an individual project but as an industry as a whole we do support an agri-business and within the County. We feel that however there are appropriate uses for farmland in Sangamon County and we feel that so much that as an organization we created a professional membership, just for specific cases like this. I guess that's why I'm here because it's called a PM member and that's what these individuals would classify as a "PM" (professional member) and that's why I am here to also represent their industry, in this particular case. Now as Phil Sidles as a farmer, I am a customer of Advanced Seed Solutions. I know these guys and have been a customer with them for 3 years. My family and I do a quarter of a million in business with them annually; I have never once stepped on the property and never been there. They are professionals with everything they do; this is not a fly by night area or company.

ZBA Chimento: Are we done now, you think? Yes, mam...

Kathy Sexton: Can I have my name added to the objector list?

ZBA Chimento: Yea, sure.

ZBA Lathan: You said you did business with them and you said there are two components...so are you doing business on the consulting side on the land or seed side?

Sidles: I do both. It's a unique package they offer. So I buy seed from them and with that purchase comes the service behind the agronomics of the seed.

ZBA Lathan: Asked how the business that Mr. Sidles family used was split.

Sidles: Indicated that the business was about 50/50.

ZBA Chimento: I know these two guys and you won't get any better two guys to run a business or be honest and keep up with the good looks of their place. So I am going to read the recommendation of the Sangamon County Planning Commission.

STAFF RECOMMENDATION: Recommend denial. The petitioner is proposing to divide approximately 5.3 acres from the subject property to be utilized for an agricultural sales and service business which requires B-2 zoning. The remainder of the parcel will remain in cropland. The LESA score for the property is 192. In this case, the proposed use of the new parcel is one that is ancillary (if I can pronounce that right) to crop production and provides a benefit to the agricultural community. As such, staff recommends that a Use Variance to allow an agricultural sales and service business on Proposed Parcel 1 be granted. Furthermore, staff recommends approval of the variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat, and approval of a variance to allow one (1) parcel less than forty (40) acres. The Standards for Variation are met.

Committee Member Charlie Chimento: I'm going to make a recommendation that we accept the staff's recommendation.

Legal Counsel Dwayne Gab: Made a point of order to ask if the Chairman was making a motion or if he was waiting for someone else to make a motion?

ZBA Chimento: Stated that he was going to make a motion.

Legal Counsel Dwayne Gab: Clarified that Chairman Chimento was making the motion to accept the staff's recommendation?

ZBA Chimento: Said that "yes" he was making that motion and that all he needed was a second, right?

Legal Counsel Dwayne Gab: That is correct sir.

Committee Member JD Sudeth seconded the motion.

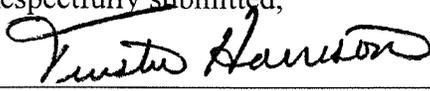
Motion carries 5/0/0

Committee Member Tony Mares made a motion to adjourn.

Committee Member Gina Lathan seconded the motion.

Meeting adjourned.

Respectfully submitted,



Recording Secretary



Chairman

Minutes of June 21, 2018

Full record of minutes available upon request in the Zoning Department