

**Sangamon County, Illinois**  
**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals met on April 20, 2017, at 7:00 P.M. in the County Board Chamber in the County Complex.

**ATTENDANCE**      **(X) denotes present**

<b>(X) Chairman Chimento</b>	<b>(X) Committee Member Mares</b>
<b>(X) Committee Member Wulf</b>	<b>() Committee Member Sudeth</b>
<b>(X) Committee Member Spiro</b>	<b>(X) Committee Member Beaty</b>

**STAFF PRESENT:**

Molly Berns, Assistant 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 Gabb, Assistant States Attorney, States Attorney's Office  
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

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Chairman Chimento called the meeting to order.  
Approval of March Minutes

**Committee Member Don Wulf made a motion to approve the March Minutes.**

**Committee Member Tony Mares seconds the motion.**

**5/0/0**

**Docket 2017-012 Adam & Cari Claussen for property located at 5222 Turkey Run Road, Sherman, IL 62684**

**PETITIONER(S):** Adam & Cari Claussen

**OBJECTOR(S):** none

**PRESENT ZONING CLASSIFICATION:** R-1

**REQUESTING:** Petitioners request a variance to allow an accessory structure to be approximately twenty-seven (27) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District.

Adam & Cari Claussen was sworn in.

Claussen: We would like to get a variance for agricultural purposes to build a shed for ag for cows, we are in residential want to build 27'

**Chairman Chimento asked if there were any objectors...hearing none. Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The purpose of this case is to allow an accessory structure to exceed the maximum height requirements of eighteen (18) feet and be allowed to be built to approximately twenty-seven (27) feet. In 2013, the rezoning to R-1 was necessary in order to construct the single-family residence on this property in accordance with county policy. The subject property is consistent with the character of the Agricultural District. The Agricultural District is located in the immediate area and allows buildings to be constructed to a height higher than requested in the petition. The Standards for Variation are met.

**Committee Member Don Wulf made a motion to accept staff's recommendation.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-013 Jorge & Nancy Fahrenbacher for property located at 3451 Pet Cemetery Road, Springfield, IL 62707**

PETITIONER(S): Jorge & Nancy Fahrenbacher

OBJECTOR(S): Mike Irwin- IDOT

PRESENT ZONING CLASSIFICATION: A w/CPU for pet cemetery

REQUESTING: Petitioners request for Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For Proposed Parcel 2: (a) a variance to allow one (1) parcel less than forty (40) acres; and (b) a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

Jorge & Nancy Fahrenbacher were sworn in.

Fahrenbacher: We want to take the property of 3451 Pet Cemetery Road which is currently two parcels of land and want to separate off the pet cemetery...bank won't give us building loan unless cemetery split off and make residential piece of property vs residential.

Chimento: Any objectors?

Irwin was sworn in.

Irwin: 8749 Tolan Road, Pleasant Plains. I am representing the Department of Transportation who owns the property adjacent to this parcel. I just wanted to remind them that they will have to come in to my office for a permit to access that property.

Fahrenbacher: We have access. We bought the pet cemetery from the woman who owned it, and went through all the legal issues that were necessary. The parcel he is talking about used to be a road that was cut off for the new highway so it is a dead end and there is a section there that is a triangle that belongs to the state but it is outside the pet cemetery, and we have access to the pet cemetery.

Irwin: Do you currently have a driveway to that parcel?

Fahrenbacher: We are currently going to put one in.

Irwin: That is what I mean; you need a permit from me to do so sir.

Spiro: So you are not really objecting, you're just informing them that they need to get a permit.

Irwin: No not objecting, just stating the requirements and that's what I'm here tonight for. All the cases I'm here for tonight, not necessarily objecting just stating the requirements from IDOT for access for the parcels.

**Chairman Chimento asked if there were any objectors...hearing none. Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The LESA score of 164 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property contains a pet cemetery, is surrounded by other single-family residences, and contains a large area of timber, which all make it unlikely to be economically converted to cropland. The bank would not finance construction of a single-family residence on a parcel that already contains a pet cemetery, which has been located on the property for over 35 years. The Standards for Variation are met.

**Committee Member Andrew Spiro made a motion to accept the staff's recommendation.**

**Committee Member Don Wulf seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-014 John Kulek for property located at 6151 Main Street, Salisbury, IL 62677**

PETITIONER(S): John Kulek

OBJECTOR(S): Mike Irwin- IDOT

PRESENT ZONING CLASSIFICATION: B-3

REQUESTING: Petitioner requests a variance to allow two (2) uses on one (1) parcel.

John Kulek was sworn in.

Kulek: We recently bought a building in Salisbury for our use and have a lady across street who is losing her lease and she asked if she could lease a corner of the building. We are just asking for a variance to have two businesses in the area.

Chimento: Any questions?

Irwin: This parcel just abuts State Highway 97, with unknown uses of the parcel planned we would like the opportunity to reevaluate the access to 97, not sure if he is promoting any more business activity than what was there before. Those entrances that he has on the parcel currently are quite non-compliant with our policies that are set today. We would like the opportunity for him to come in to find out what his uses are for the parcel, what kind of traffic will be generated to see if we need to make any changes to his access along 97.

Chimento: That won't affect us.

Irwin: Not really, I'm just here to get it on the record.

Kulek: We are just running our construction company office with maybe a small retail place. I can't imagine much traffic with two businesses with two people.

Irwin: It wasn't clear by the petition what he was trying to do out there, so that's why I came here. The large entrances are over the standard the maximum size is 35 feet and you are greater than that. And actually they share an access with the Morning Star which is a former alley in Salisbury.

CB Mendenhall: You refer to some policies, what policies are you referring to?

Irwin: Access to State Highways Illinois Department of Transportation Policies.

CB Mendenhall: And how can I get a copy of that?

Irwin: I will e-mail you one sir. Any time there is a change in use to a parcel, we would like the petitioner to come back to us to get an updated permit for access.

CB Hall: I would like to ask a question to IDOT. In Sangamon County we are open for businesses, and IDOT is kind of here more than ever. Would there be a point that IDOT would then for the land acquisition to give back the property that is owned by IDOT if you are not using it for IDOT or your own entrances off of these highways that are no longer being used. Wouldn't it be in the best served interest to deed it back to the private owner for many reasons? The number one reason is that the owner would pay the taxes

on that property and not to say this as a jab to IDOT or to Illinois but we are Sangamon County and we are open for business and with you being here is kind of clumsifying things up.

Irwin: What a wonderful opportunity to discuss this, we are more than happy to sit down with you guys. We have recently sold a piece of property adjacent to IDOT right-of-way up in Williamsville in Sangamon County at public auction. Once its determination is an excess right-of-way, we are allowed to put it up for sale.

CB Hall: We need to visit.

Spiro: If a zoning request passes but a permit is denied then that supersedes the zoning?

Irwin: They are two distinct functions. We are just using this as an opportunity to bring attention to the land owners of our requirements for access out there.

Spiro: So they have to apply to you for a permit?

Irwin: Yes sir.

Spiro: So regardless of what we do here they still have to get a permit from you?

Irwin: Yes sir, my function here tonight is simply to educate the public and the land owners of the requirements for access permits to IDOT roads.

Attorney Gab: By and large these issues are not relevant to the zoning determination.

Irwin: No they are not.

Attorney Gab: And it is a completely separate process that occurs with the Department of Transportation.

Spiro: I was just wondering how that worked.

CB Annette Fulgenzi: I have a question for clarification. You said it was a policy and that you said you would like for him to come in and re-evaluate. Is this a requirement for him since his property already exists? Is it legally required for him to come in?

Irwin: Yes when you are changing the use of a building. I will read the policy to you in verbatim. "When a change in the type or intensity of development significantly affects the requirements of an access facility another access permit request must be submitted."

Kulek: What is a significant change and who determines what a significant change is?

Irwin: We do.

Irwin: I can't tell you what they are proposing to do from the petition. I am just taking this opportunity to express our policy out there to the landowners. Most likely nothing will come of this, but we need to bring this out.

CB Mendenhall: You have offered to e-mail the policy to me and I greatly appreciate that. Would it be possible to get a copy of the whole handbook for the Zoning Department?

Irwin: I have shared it with the Planning Commission.

Norm Sims: We have asked a question of where it existed in the Administrative Code rather than just as a policy statement. What we asked of the department was to identify properties in Sangamon County that have such limitations. It has come up before and we have requested that list.

Irwin: I will have to get back to you on that Norm.

CB Scaife: Do these people have to pay for a permit?

Mike Irwin: No.

CB Scaife: So this is just paperwork that has to be completed?

Mike Irwin: Yes this is just paperwork.

CB Scaife: How long does your process take?

Irwin: If there is no increase in the impervious area on a piece of property which means more runoff to state ditches then we can exclude the hydrology analysis and it can be done in about two weeks. It is a very easy process.

CB Scaife: I know but the state does not move that fast and we all know that so that is a concern for business people you realize.

Irwin: I understand. My great-grandfather owned that parcel prior to him and had a doctor's office on that parcel in 1906. I am very well aware of that parcel and I am aware that entrance has been there for 100 years. It is an opportunity for the department to reevaluate the necessity of changing the access of the property.

CB Mendenhall: Is this something IDOT has recently started?

Mike Irwin: Apparently.

Attorney Gab: How many counties are you going to?

Irwin: You guys are the only county that tells me what is going on. The rest do stuff in secret and I find out later.

Molly Berns: Mr. Chairman that is my question Mike not to pick on you specifically, for the Zoning office and the Regional Planning Commission when somebody is going to do a re-zoning does a pre-preparation meeting before they file a zoning petition. So this is new we have not seen IDOT here in the 9 years I have been here and now you have been here twice in the last 4 months. Is this something you have been doing statewide, or just this district, or just this county because we have citizens that I think when they come in to ask for a request for the zoning and we are going to have to answer these questions about why the enforcement is being so stringent in Sangamon County if that is true. Are you doing this throughout the district?

Irwin: We are not picking on Sangamon County this is district wide. We don't get notifications from most counties. Sangamon County is unique; you have very clear zoning laws. Some of our counties have no zoning at all.

Molly Berns: I know that to be the case, but are other districts doing this?

Irwin: I am not aware of any other district doing this

Molly Berns: Okay so only District 6 is doing it to your knowledge.

Irwin: I don't know if it is only District 6.

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The trend of development along the block face is business oriented, including a restaurant and gift shop located adjacent to the subject property. The large building on the subject property is suitable for two businesses and the petitioner cannot get the full use of the property with just one use within the structure in this area. The subject property is also underutilized and had been sitting vacant prior to the petitioner purchasing the property. The Standards for Variation are met.

**Committee Member Don Wulf made a motion to accept staff's recommendation.**

**Committee Member Larry Beaty seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-015 Ron Metzger for property located at 600 Toronto Road, Springfield, IL 62707**

PETITIONER(S): Ron Metzger

OBJECTOR(S): Mike Irwin- IDOT

PRESENT ZONING CLASSIFICATION: I-1

REQUESTING: Petitioner requests a rezoning from “I-1” Restricted Industrial District to “B-3” General Business District and a Conditional Permitted Use for a tavern with a beer garden and live entertainment.

Ron Metzger was sworn in.

Metzger: I am taking the old Stuckey which was built in 1969-70 to Route 66 Motor Head bar and grill and museum. The theme is motor heads and the traditions of Springfield mile...world’s fastest mile; and have great food & alcohol and stage on one corner and have car shows. And have a beer garden with entertainment stage and point straight North.

Chimento: Asked if any questions? County Board? Objectors?

Attorney Fleschman: I represent some landowners to the S little over a 1/4 mile and their only concern is the beer garden and live music...is there any way you can do something to do some more sound dampening to the stage and I know that you’re obeying the Sangamon County Liquor ordinance. My clients are concerned about the property values decreasing and not being able to enjoy quiet life on the lake, but our real concern is to maybe regulate a little more on the days and hours more strict than current.

Spiro: What is the current ordinance read as far as hours?

Harrison: Thru the week is Sunday thru Thursday live music will cease at 9:00pm... and on weekends 10:30 pm. Just for clarification they have recently increased from 6’ to 8’ fence around beer gardens.

Metzger: The layout there’s actually about a 12’ opening between stage and building and not much noise going out. Not going to have head banging music. I think neighbors will be pleasingly impressed.

Chimento: Mike any issues?

Irwin: The only issues we have is that Canadian Cross is a State Highway and we want to make sure the entrances that are there currently are adequate for your use in the future. If you could send a plan in for what you are proposing out there we can look at it and make sure we are okay with what you are proposing.

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval of the requested B-3 zoning due to the trend of development in the area. Recommend approval of a Conditional Permitted Use (CPU) for a tavern with a beer garden and live entertainment with the following conditions: (1) the tavern with live entertainment is limited to the footprint of the building and beer garden as per the site plan submitted with the petition; and, (2) the hours of operation of the tavern with a beer garden and all live entertainment including but not limited to any dancing, band, DJ music, or any other noise generating music of any kind, are governed by the Sangamon County Liquor Ordinance.

**Committee Member Andrew Spiro made a motion to accept staff's recommendation.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-017 Troy Rodriguez for property located at 9805 Palm Road, Glenarm, IL 62536**

PETITIONER(S): Troy Rodriguez

OBJECTOR(S): Kent Hill, Mike Irwin- IDOT

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for a rezoning from "A" Agricultural District to "B-2" Retail Business District.

Troy Rodriguez was sworn in.

Rodriguez: I am looking at building a gymnastic facility and existing land there is zoned Ag I currently own facilities in Springfield and Chatham...and will be combining to one facility for gymnastics and cheerleading.

Chimento: How many days a week? 7 days a week? 5 days a week?

Rodriguez: We are going to be 7 days a week with hours of operation are between 4-9pm.

Chimento: What is the general count of people?

Rodriguez: Traffic wise I would say 30-40 cars within that time period of 4-9pm.

Chimento: Anyone else have questions? County board? Objectors?

Kent Hill was sworn in.

Hill: I own land to the West. I've had 18 acres of residence and 15 acres are in ag. My main concern is affecting my residential property values...and Rodriguez's property 1.1 acre butts up directly to my property to the West and a structure being built like this obstructs my views to the East and land locks me to commercial operations. My driveway passes right by establishment. My primary concern is the additional traffic to the area and the devaluation to property.

Chimento: Structure already there?

Hill: Small shed basically

Chimento: How big is it?

Rodrogoez: 2,000 sq ft

Chimento: You are going to enlarge it?

Rodriguez: Oh, yeah...Utilizing entire acre.

Chimento: Anyone have any question?

Mike Irwin: Palm Road is an IDOT road. We have flooding issues on Palm Road so we are very concerned about his detention plans. We are also concerned that the existing driveway is a rock drive and a commercial business of this sort would need an improvement of paving.

Chimento: You aware of that?

Rodriguez: I am.

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend denial of the requested B-2 zoning. The petitioner plans to construct a gymnastics center on the subject property. The LESA score of 165 indicates the property is marginal requiring mitigating factors for non-agricultural development. The immediate area has developed with commercial uses eliminating the cropland in the area. It is also unlikely that this parcel would be returned to cropland. This could be considered a mitigating factor. The long history of Use Variances and CPUs being granted in this area indicates the County Board believes commercial and business type uses are a benefit to the community at this location. Staff believes the list of permitted uses in the B-2 District is too intense for this area. In the alternative, staff recommends a Use Variance in the A district to allow a gymnastics center on the subject property with a condition that a solid fence or landscape screen to

the satisfaction of the Zoning Administrator be provided along the north, west, and south perimeters of the property.

Mares: Question for staff, you mentioned 30-40 cars parking on lot? I didn't see any mention of that.

Harrison: He provided a site plan with the parking on the site plan.

**Committee Member Andrew Spiro made a motion to accept staff's recommendation.**

**Committee Member Don Wulf seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-019 Mike Sharp for property located at 13996 Cotton Hill Road, Pawnee, IL 62558**

PETITIONER(S): Mike Sharp

OBJECTOR(S): none

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District, and a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, a variance to allow a single-family residence in the "I-1" Restricted Industrial District; and, a variance to allow portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Mike Sharp was sworn in.

Sharp: I want to have your permission to build a large shop. 7 years I had one on N side and want to have another one at this location. I have one currently in Springfield and don't like location and can't afford to open another one.

Wulf: Have you seen the recommendations regarding the parking lot.

Sharp: Yes, sir.

Wulf: Are you going to provide seal coat?

Sharp: Yes sir I will have 6' approach...asphalt and concrete will tear it up.

Wulf: Your alternative surface is what?

Sharp: An approach 6' off building and then gravel to end of driveway.

Wulf: So you're going to be working on heavy ag equipment?

Sharp: Yes, plows, tractors, concrete trucks...and I want to have them inside in the shop.

Wulf: How often are you going to have to re-new that gravel?

Sharp: I would just shovel or put an extra coat of gravel on.

Chimento: Any other questions?

CB Stumpf: I just want clarification from Staff on the ingress/egress off the road...

Berns: The issues was more that in looking at specific findings of fact not enough provided in petition that staff could work with to justify the variance.

CB Stumpf: So, your recommendation is denial and would cause him to put the 6' of concrete in?

CB Hall: As a farmer putting asphalt out there and machinery it will be gone within 1-2 years because of farm equipment. I would rather have aggregate than asphalt because of safety issue.

Berns: Amendment to Staff Recommendation on Findings of Fact

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend denial of the requested I-1 zoning. The petitioner requests a rezoning to I-1 to construct and operate a welding shop on the subject property. The LESA score of 114 indicates the property is suitable for non-agricultural development. However, the proposed I-1 zoning is seen as too intense for the area.

In the alternative, staff recommends a Use Variance in the A district to allow a welding shop limited to the proposed 40'x48' building. The petitioner was previously granted a use variance (Zoning Case #2006-049) to operate a welding shop at his former residence located north of the subject property at 12515 Cotton Hill Road. The welding shop would work on and repair farm machinery, which by its nature should be located near agricultural uses.

Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (single-family residence and welding shop) for the reasons outlined in the previous paragraph. The Standards for Variation are met for this request.

The variance requested to allow a single-family residence in the I-1 District is not necessary due to the staff's recommendation of denial for the I-1 rezoning request.

Recommend denial (APPROVAL) of the requested variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat. No particularly unique circumstances were mentioned in the petition to justify granting the paving variance. The Standards for Variation are not met for this request.

**Committee Member Don Wulf made a motion to accept staff's recommendation.**

**Committee Member Larry Beaty seconded the motion.**

**Motion carries 5/0/0**

**Docket 2017-016 Ember Clear d/b/a Lincoln Land Energy Center LLC for property located at Black Diamond & Ameren Road, Pawnee, IL 62558**

PETITIONER(S): Ember Clear d/b/a Lincoln Land Energy Center LLC

OBJECTOR(S): Jessica Megginson, Michelle Young, Phil Gonet

PRESENT ZONING CLASSIFICATION: A

REQUESTING: Petitioner requests for a rezoning from "A" Agricultural District to "I-2" General Industrial District.

John Kinnamon was sworn in.

Kinnamon: Mr. Chairman my company Ember Clear is a developer of a natural gas power plant. We have been working with the Barlow family for some time now to develop a billion dollar facility adjacent to Ameren substation, in Sangamon County. We are asking that the board consider re-zoning the facility which is currently zoned agricultural to industrial use so that may we begin the process and evaluating the site for this kind of facility.

Attorney Cate: It's a natural fit for the area, with the Ameren substation the industrial nature has already come. We passed out a site plan and footprint for the proposed location...in Southwesterly corner location. My client feels this location will be a good location for the residents around for jobs that will be created, money for school district and many other factors beyond zoning.

Chimento: Any questions?

Wulf: Why this particular area?

Kinnamon: We are drawn to because of the substation...the substation is a significant investment by Ameren. It allows transmission access to the power grid to Iowa and Northern Missouri to Illinois and Indiana. It provides transmission capacity. It allows us to be able to put power on the grid. It allows us to locate next to the substation and avoiding the very costly and painful process of trying to negotiate right-of-way for transmission, over several farms. And it's an ideal use at that particular site.

Beaty: Will you be putting lines or poles across farmers' land?

Kinnamon: No, sir. Not our intention. We avoid that by being next to substation...there would be a direct tie in to the substation.

Spiro: Water coming from Otter Creek? And sewer coming from City of Pawnee? Natural gas fire power plant and Panhandle Eastern has a pipeline, are you connecting to that as well.

Kinnamon: Our plan is to connect with the Rocky Mountain Express pipeline...which is only a couple hundred South of Panhandle Eastern pipeline.

Wulf: I have a question for Staff, this Wilson letter...is this location 100% in the flood plain?

Berns: Not 100% in the flood plain. Sangamon County has a flood plain development ordinance and requires a flood plain development permit.

Spiro: What kind of heavy equipment will you need to get in and out for roadway construction? Once it's built will you need more equipment on the property, on occasion?

Kinnamon: It is difficult to say at this point and time...during the initial phase we will have heavy equipment. With maintenance of the facility won't require heavy equipment, but so early in the process. I know conceptually what it will look like; I can't proceed unless zoned properly, so need to go through this process first.

Wulf: If you have weight limitations to get into facility, what's your answer to that?

Kinnamon: We would have to invest the money to be able to provide the infrastructure to be able to get on the property.

Chimento: County board? Is there a spokesman for objectors?

Jessica Megginson was sworn in.

Megginson: I would like you to consider denying the request is simply the lack of information and till we get more information about multiple facets of this project; I feel it's unfair to just put a stamp of approval. I feel the water supply and disposal, air pollution, transportation, construction and traffic...variances that may be needed for the

facility such as the 70' tall stacks that have been provided as information by Ember Clear that it will be present. Will it require a special use permit? I would like to see an economic study be done with real data? Rezoning this parcel would likely impact the expansion of the residential area of Pawnee...if this power plant is supposed to offer us growth within the community the whole South sector of town where that proposed site would likely not be looked at for residential housing due to the presence of the plant and nuisance...the area has history of agricultural. Simply due to the unknowns and lack of information for general public...I ask that you deny the request to I-2.

Chimento: Any questions for this witness?

Michelle Young was sworn in.

Young: My husband and I are landowners 1400' North of the proposed location. Just by looking at the Sangamon County property tax website everything around that area is improved industrial area at 59 acres, so I disagree with what's on petition for #13 the trend toward development. I am not even sure if its I-1 or I-2, but that's the only one and 4 miles away is the power plant and coal plant...a ¼ mile compared to 4 miles...I don't know if that can be called nearby? Everything else in that area is residential north of it, with improved and unimproved farm land. The trend is not to go industrial... its terrible view and the noise level, it's a real concern.

Chimento: Any questions?

Phil Gonet was sworn in.

Gonet: This power plant will have direct impact on CWLP to sell their excess power into the whole sale market...a good portion of CWLP's budget is dependent on whole sale electricity sales, if they can't sell power into that market then rates for CWLP customers will increase. For an 1,100 megawatt power plant and asking for tax breaks is not a good deal for residents of the City of Springfield and also if this causes CWLP to produce less power that means they use less coal...using less coal that means coal production at the Viper mine could decline and the result could be a loss of jobs. Any of the economic benefits could be stated up to now none of that at all consider the negative impact of a rate increase....CWLP recently had to increase rates because sales were down. And this is going to impact even further. MISO is responsible for transmission for 8-9 states in the Midwest. I don't think this company has thought through at all about the power market situation in IL. I asked the board to stop it here because of the economic impact it will have on City of Springfield.

Wulf: You aren't just selling to local market?

Kinnamon: That's correct.

Wulf: What are kind of emissions do you expect from natural gas plant vs coal plant?

Kinnamon: A natural gas plant is a much clean facility and produces half the Carbon. A tenth of the emissions of criteria pollutants from that stand point natural gas have a proven record of generating very clean electricity.

Wulf: Will you use local labor unions to build this plant?

Kinnamon: That's our intent.

Mares: The cost of this project you are projecting to be about a billion dollars, is that correct?

Kinnamon: That's correct.

Mares: You also stated that during the construction phase, whenever reinforcement of infrastructure in order to build this facility you would have to take on the infrastructure expense?

Kinnamon: We would have to take on that expense to be able to execute the project.

Wulf: How many employees do you anticipate on having?

Kinnamon: We anticipate having three shifts of approx. 12-13 people, minimum 30 FT up to 39-40 employees.

Attorney Cate: Ember Clear has agreed to using union labor, for this project. The amount of workers over a couple of years to build this plant...that hasn't happened in Sangamon County in years....would be such a financial boom for this area.

Brad Schaive was sworn in.

Schaive: I am very glad that Mr. Hall said Sangamon County is open for business. This will be the largest project I have seen in 16 years. I represent 1,460 members, from seven different counties but majority in this County. This is an economic engine that is hard to describe. The individuals that work on this plant and all the individuals that takes care of all of the other numerous things for this project. It is a job of magnitude that changes the union. The individuals that work on this job buy new cars, go to dinner, buy new houses...it changes the economic structure of this area...when the individuals' life changes so does the economic engine of this County.

Megginson: I know Mr. Wilson submitted his letter, he asked that I read it, is that something I can read aloud so everyone can have the benefit of hearing.

Chimento: We have all read it, it's on record.

**Chairman Chimento read the staff recommendation.**

STAFF RECOMMENDATION: Recommend approval. The property is zoned Agricultural. The LESA score of 181 indicates the property is suitable for only agricultural uses. However, this score presumes that no water or sewer is available at the site. The petition indicates that the Otter Lake Water Commission will provide water and the Village of Pawnee will provide sewer service. Obtaining those services for the development reduces the LESA score to 146 making the site suitable for non-agricultural development. The property adjacent to the subject property contains a sizeable electric substation which is a permitted use in the Agricultural zoning district even though it is considered to be an industrial use. The construction of the substation had the effect of developing a trend of industrial uses in the immediate area. Rezoning the subject property to I-2 would not be considered to be spot zoning as the proposed use of the property is compatible with the electric substation. Furthermore, locating the highly intense industrial uses close together is seen as good planning principles. The east side of the property also contains a dense tree line along Horse Creek which will help screen the proposed power plant from the residences located along Black Diamond Road.

**Committee Member Andrew Spiro made a motion to accept staff's recommendation.**

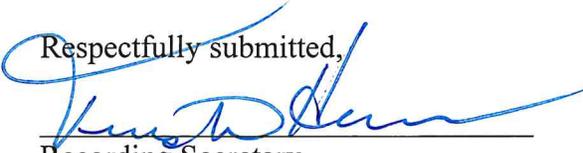
**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

**Committee Member Don Wulf made motion to adjourn.**

**Committee Member Tony Mares seconded the motion.**

Meeting adjourned.

Respectfully submitted,  
  
Recording Secretary

  
Chairman

Minutes of April 20, 2017

Full record of minutes available upon request in the Zoning Department