

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – May 2, 2018**

**MEMBERS PRESENT**

Barb Lamont, Chairman  
Bill Koretke, Vice Chair  
Dennis Hughes, Alternate Member

**COUNTY PERSONNEL PRESENT**

Jennifer Gunter, Planning & Zoning Director  
Tracy Sumpter, Planning & Zoning

**MEMBERS ABSENT**

Andy Freeland  
Blake Noland  
Ed Leonard, Alternate Member

Chair Lamont called the meeting to order at 8:30.

**MINUTES**

Bill Koretke made the motion to approve the April 4, 2018 minutes, seconded by Dennis Hughes. All members present answering, Aye. Motion Carried (3-0).

**OLD BUSINESS:**

- 4.1** S-02-04-18 a petition filed by Oreana Solar, LLC c/o Geronimo Energy requesting a Special Use Permit to allow the development and construction on an 80 acre tract of land, a solar energy system consisting of approximately 20 acres in (A-1) Agricultural Zoning. The property is commonly known as 6816 N Brush College Road, Decatur, IL 62526.  
PIN 18-08-17-100-003

Mrs. Gunter stated this was approved by ZBA April 4, EEHW April 26, and it will be voted on at full County Board May 10, 2018.

Chair Lamont asked for any persons wishing to speak today to please stand so she could swear them in.

**NEW BUSINESS:**

- 5.1** V-01-05-18 a petition filed by Brad Damery requesting the required minimum lot size be changed from 10 acres to 5 acres (A-1) Agricultural Zoning. This property is commonly known as 11376 Pleasant View Road, Blue Mound, IL 62513.  
PIN 15-19-05-300-006

Brad Damery  
11376 Pleasant View Road  
Blue Mound, IL 62513

Mr. Damery pointed his residence out on the map and explained that he also owns the farm that is attached. He and his wife built the house in 2004, at that time they owned the farm and lot which was zoned A-1 Agricultural Zoning. Unfortunately with a life changing event, he and his wife were divorced in August of 2017 after 25 years. He explained that through the marriage settlement, with multiple farms and properties, the residence was awarded to him and the farm was awarded to his spouse Dana (this farm). Part of that agreement, he was supposed to get the farm and 5 acres as part of the division of their assets and properties. He is asking for a variance to place the home and a surveyed 5 acres, with a resurvey just right outside the property lines as it is today and his reasoning for this is number one, it is part of a marriage settlement agreement which would open a whole new challenge with multiple properties and benefits and issues, the second reason is he has a neighbor to the north who is zoned RE-5 which he believes the minimum lot size for that is 2 acres; he also has multiple other small lots right around him. He does have documentation of the marriage settlement agreement with him in addition to copies of his property tax and the neighbor to the north stating he is zoned RE-5 if anyone would like a copy.

Mr. Koretke asked if the reason he wants to keep it A-1 is what he is asking for.

Mr. Damery stated just to be clear, what he is trying to do is survey off 5 acres and make it RE-5. And then he wants to keep the rest of the farm zoned A-1. He needs to do that in order to complete the settlement agreement and he thinks it matches the other lots in the area.

Mrs. Gunter stated that Mr. Damery applied for a variance and the variance will not change the zoning. He will still be zoned (A-1). Agricultural zoning minimum lot size is 10 acres so he is asking for a variance to go from 10 acres to 5 acres. The zoning will stay the same. He did not apply for a rezoning. The reason is because the house was built after 1970, and he wants to separate the house from the farm and not take any more farm ground out of production.

Mr. Damery agreed and apologized for the confusion.

Mr. Koretke asked if he has grain bins and machine sheds on the property.

Mr. Damery stated he has machine sheds on the property, for farm storage, no bins.

Mr. Koretke asked if he is still farming.

Mr. Damery stated yes he is. He farms this property as well as multiple farms within the county and owns other farms within the county.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Variance, requesting the required minimum lot size be changed from 10 acres to 5 acres in (A-1) Agricultural Zoning.

Parcel Number: 15-19-05-300-006

Location: This property is commonly known as 11376 Pleasant View Road in Pleasant View Township.

Zoning: A-1 Agricultural Zoning

Acreage: 75 Acres

### **Finding of Facts**

- Petitioner wants to separate 5 acres from the existing 75 acres. The house was built in 2003 on the total 75 acres.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 5 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- The property involving the house is not in the floodplain. However, the northwest corner of the farm ground is in the floodplain.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Already existing.

CONFORMITY TO REGULATIONS: With the passage of the Variance the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has been on site and Staff recommends approval for the required minimum lot size be changed from 10 acres to 5 acres in (A-1) Agricultural Zoning.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

- 5.2 S-02-05-18 a petition filed by SolAmerica Energy/ George Mori requesting a Special Use Permit to allow the development and construction of a solar farm project in (A-1) Agricultural Zoning. This property is commonly located on Cundiff Road in Whitmore Township.  
PIN 18-08-20-100-007

John Buffington  
SolAmerica Energy  
1 North State Street  
Suite 1500  
Chicago, IL

Mr. Buffington stated he has a brief statement about the proposed project he would like to read.

Mr. Buffington read:

*Good morning, I am John Buffington with SolAmerica Energy. We are a solar development firm with offices in Atlanta, Chicago, Washington, and Raleigh, NC. Thank you to the board for your consideration, I'd like to provide a brief description of the proposed project.*

*As a direct result of Illinois' Future Energy Jobs Act, which provides a framework and incentives for renewable energy, SolAmerica seeks to build a community solar garden on the noted parcel which is near Cundiff Road in Whitmore Township. For this, we seek a special use permit.*

*A community solar garden offers the benefits of solar to those who don't have an ideal location for solar on their own property. It does this by using a central location and spreading the benefits across multiple participants, called subscribers. These subscribers pay for a share of the project's electric output. Subscribers can be homes, businesses, hospitals, schools, anyone with an electric bill. Effectively, they are paying less for the electricity produced by the solar project than they are paying for electricity from their electric service provider. For this proposed project, anyone located in Ameren's service territory would be eligible to subscribe. Aside from the cost of savings to subscribers, community solar gardens offer:*

- *New property tax revenue*
- *Some amount of economic stimulation, primarily through hiring a variety of service providers*
- *The ability to support clean, environmentally friendly energy*
- *Lastly, in terms of job creation, solar is one of the fastest growing industries in the country. The Future Energy Jobs Act is helping to ensure that this job creation come to Illinois.*

*This 2 MW project would create roughly 3.2 million KWH's per year, enough electricity to power about 300-400 homes. The structure itself will occupy about 15 acres of land (not including buffer and fence area) and consist of photovoltaic panels mounted on a steel racking system that is adhered to the ground with piles. Let me very briefly respond to questions SolAmerica has heard in its experience with ground mounted solar projects:*

- 1. Property value: While there has been limited study on the impact of solar gardens on surrounding properties, we believe there to be no impact. This is based on numerous studies cited by the US Dept of Energy that have shown no impact from wind farms, which are far more invasive and visually obstructing.*
- 2. Photovoltaic solar gardens produce no air emissions, do not release toxic materials, and emit no radiation.*
- 3. Solar gardens do not harm wildlife and, in fact, many are associated with bird and pollinator habitat.*
- 4. Noise from the project is inaudible from typical setback distances.*
- 5. Traffic impact will be non-existent during operation and even minimal during construction.*
- 6. Lastly, given that virtually no grading is expected, we would leave topsoil largely intact, allowing for a rapid return to farmland at the end of project life.*

*SolAmerica is excited about the possibility of working in your community. We see the Future Energy Jobs Act as an exciting development for the state and for Macon County. I welcome any questions.*

Chair Lamont asked what the life of the project is expected to be.

Mr. Buffington stated a solar asset is a minimum of 25 years.

Mr. Koretke asked where the solar farm would be located on the parcel.

Mr. Buffington stated the current design is to maximize distance from the residences. They are thinking the Northeast quadrant of the parcel, which is closer proximity to the Ameren substation.

Mrs. Gunter asked what the distance would be from the residence.

Mr. Buffington stated the estimated distance from the house to the array is roughly 300 feet.

Mr. Koretke asked about the property to the Northwest.

Mr. Buffington pointed the properties out on the map and stated one would be around 470 feet

and another one is something greater than 500 feet but he does not recall the exact number.

Chair Lamont asked if the two adjacent property owners of the homes were notified.

Mrs. Gunter stated yes.

Mr. Koretke asked about a cyclone fence and access road.

Mr. Buffington stated a small access road and typically a 6-foot barbed wire fence.

Mrs. Gunter asked if it was chain link fence and then barbed wire on top.

Mr. Buffington stated yes.

Chair Lamont asked about weed control.

Mr. Buffington stated they would contract with a local maintenance company to mow the project as often as necessary. Their only sort of requirement is, they want to keep it looking nice of course, however, they also need to make sure the grass does not grow high enough to shade the panels. He stated they typically plant either grass or a collection of native wild flowers. He stated they look very nice.

Chair Lamont stated we do not have any here, so this is all new to us.

Mr. Koretke asked if they were a fixed panel or...

Mr. Buffington stated this would be a tracking system.

Mr. Koretke asked in a North/South configuration.

Mr. Buffington stated yes and then they would track the sun East to West throughout the day.

Mrs. Gunter asked if their company has anybody local in case we do receive any complaints.

Mr. Buffington stated they would certainly be engaging local service providers on maintenance. They will have an operations and maintenance team even though the facility itself requires fairly minimal maintenance. He stated it is just a panel; it does not do a whole lot. It does have motors for the tracking system so they would need to have someone nearby.

Mr. Koretke asked Mrs. Gunter if we required a phone number at the gate.

Mrs. Gunter stated yes, there is a stipulation covering that. She stated a 24-hour emergency contact number is required.

Chair Lamont asked Mrs. Gunter the size of the whole tract of land.

Mrs. Gunter stated 38.33 acres. She asked Mr. Buffington if they would be using 20 acres of that.

Mr. Buffington stated 15 acres for the project itself and then if you include buffer zone/staging area, probably 20 acres.

Chair Lamont asked what would happen to the remaining 10-15 acres.

Mr. Buffington stated they would not use. It would stay as it is. If it is currently being leased for farmland he would assume it would continue to be the same. He stated that would be the owner's prerogative.

Mrs. Gunter asked if they had any other projects in the Midwest.

Mr. Buffington stated solar is new to Illinois. He stated they are all over the state, he heard the first motion from Geronimo, similar, there are other companies doing this. He stated really this far North, solar kind of requires incentives so they go where the incentives are.

Mrs. Gunter asked but no current projects in Illinois, Iowa, Indiana.

Mr. Buffington stated they have systems that range from New Jersey to Florida, until the passage of this act, solar really has not caught on in Illinois yet. He stated that would be changing.

Chair Lamont asked what the average is on the land leased from the farmer.

Mr. Buffington stated they typically range from \$800-\$1000 per acre per year.

Chair Lamont stated that is what she had heard through a grapevine but she does not trust grapevines.

Mr. Buffington stated they have kind of settled on a fairly standard average price, most of the farmers, with this new act, is creating a lot of attention and so most of the farmers they interact with, they were able to shop for deals. He stated the market is settled on a price, you cannot have one company running around saying \$300 when everyone else is saying \$1000.

Chair Lamont stated she just wanted to hear it from a reliable source.

Chair Lamont asked if they have anything else in the works for this area.

Mr. Buffington stated they have one for Tazewell County, he said that is probably the closest facility. He said they may be talking to another land owner here in Macon County right now but he would have to check with his land team.

Chair Lamont stated she did not want any specifics, she just wondered if there was any more talk in the area.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Special Use Permit to allow the development and construction of a solar farm project in (A-1) Agricultural Zoning.

Parcel Number: 18-08-20-100-007

Location: This property is commonly located on Cundiff Road, Decatur, IL 62526 in Whitmore Township.

Acreage: 38.33 Acres

Zoning: A-1 Agricultural Zoning

**Finding of Facts**

- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefore the Special Use Permit was needed because this property is zoned A-1 Agricultural Zoning.
- Macon County currently does not have a Solar Ordinance.
- There is no floodplain on the property.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:  
The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known problems with required utilities and facilities.

INGRESS & EGRESS: No known problems with ingress and egress from Cundiff Road.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit by the Macon County Board the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends **approval** with the following stipulations:

Stipulations:

1. This Special Use Permit does not constitute a license issued to the name Petitioner only. The Special Use Permit is intended to “run with the land.”
2. The Special Use Permit is assignable or transferable only upon the sale or transfer in ownership of the subject property.
3. Development Standards

The following standards shall apply:

- A. Foundations: The manufacturer’s engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- B. Other Standards and Codes- All solar farms shall comply with any applicable local, state, federal regulatory standards, and the National Electrical Code.
- C. Power and Communication Lines- Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury lines.
- D. Minimum lot size- No solar farm shall be erected on any lot less than 5 acres in size.
- E. Height- Systems, equipment, and ground or pole-mounted solar energy systems shall not exceed 20 feet in height, when oriented at maximum tilt. Excluded from this height requirement, however, are electric transmission lines and utility poles.
- F. Setbacks- A minimum of fifty (50) feet on the front setback and minimum of thirty (30) feet on the side/ rear setback must be maintained on all property lines.

Solar panels shall be kept at least five hundred (500) feet from a residence that is not part of the Special Use Permit.

- G. Lighting- Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.
  - H. Signage- An appropriate warning sign shall be provided at the entrance of the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facility's 911 address and a 24-hour emergency contact number.
4. Building permits shall be obtained from the Planning & Zoning Department as required.

5. Weed/ Grass Control

The applicant shall submit an acceptable weed/ grass control plan for the project area for the entire property. The Operating Company or Successor during the operation of the Solar Farm shall adhere to the weed/ grass control plan. All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native warm-season grass(es) and/or other vegetation for the purpose of soil stabilization.

The solar farm owner/ operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation or decommissioning of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

6. Fencing

The applicant shall submit a perimeter-fencing plan to the Planning & Zoning Department. The perimeter fencing shall have a maximum height of eight (8) feet and shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

7. Aviation Protection

For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version by the FAA.

8. Fire Protection

A fire protection plan for the construction and the operation of the facility, and emergency access to the site shall be provided.

#### 9. Endangered Species and Wetlands

Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.

#### 10. Road Use Agreements

All routes on either County or Township Roads that will be used for the construction and maintenance of the proposed solar farm shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be subject to the approval of the Macon County Engineer in coordination with the Township Road Commissioners of all affected Townships. The Solar Farm developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development of related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the development. The developer shall provide a surety bond in an amount and form approved by the County Engineer when warranted.

#### 11. Decommissioning of the Solar Farm

- a. The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of twelve (12) consecutive months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. This period may be extended by the Planning & Zoning Administrator if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and the solar farm has not been abandoned.
- b. A professional engineer or contractor who has expertise in the removal of the solar farm shall prepare a cost estimate for the decommissioning of the facility. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be fully covered by a surety bond obtained before construction commences. Further, a restoration plan shall be provided for the site

with the application. The decommissioning plan shall have the following provisions:

1. Full decommissioning shall occur within six (6) months and shall include:
  - a. Removal of all equipment, cables, wires, conduits, structures, fencing, and foundations to a depth of at least four (4) feet below the surface of the ground.
  - b. Removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.
  - c. Restoration of the land to a condition reasonably similar to its condition prior to the solar farm development, including replacement of top soil removed or eroded.
  - d. Removal of hazardous material from the property and disposal in accordance with Federal and State Law.
2. The decommissioning plan shall also recite an agreement between the applicant and the County that:
  - a. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Planning & Zoning Administrator.
  - b. The decommissioning bond shall be equal to or greater than the estimated amount by which the cost of decommissioning the solar farm exceeds the salvage value of the solar farm. By its terms, the Decommissioning bond shall survive the bankruptcy or dissolution of the owner and/ or operator of the solar farm's existence or its legal obligations. Once it is in place, the owner and/ or operator of the solar farm shall maintain the decommissioning bond, and cause the bond to be valid and enforceable until the secured decommissioning obligations are satisfied.
  - c. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
  - d. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if the applicant does not complete decommissioning within six (6) months of the end of project life or facility abandonment.
  - e. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - f. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in

escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

- g. Financial provisions shall not be onerous as to make solar power projects unfeasible.
  - h. Decommissioning costs shall be re-evaluated once every five (5) years from the date of substantial completion of the solar farm due to insure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the Decommissioning Bond shall be adjusted accordingly.
12. Building permits will not be issued until a decommissioning plan is submitted along with the decommissioning bond paid in full.
13. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
14. This Special Use Permit will be voided if construction does not begin within eighteen (18) months of approval of said permit by the Macon County Board. This permit will be reviewed periodically for compliance as frequently as is deemed necessary by the Macon County Zoning Administrator, but not less frequently than once every ten (10) years.

During the reading of the finding of facts, Mrs. Gunter stated she wanted to go over the setbacks listed in the stipulations, which states the solar panels must be 500 feet minimum from a residence that is not part of the special use permit. She stated she is suggesting the 500 feet; it would be up to the board on how they want to handle this with Mr. Buffington stating previously that the panels would be around 300 feet from a residence.

Mr. Koretke asked Mr. Buffington where the access road would be located.

Mr. Buffington stated he thinks on the East side. He stated they want to be near the power substation because for one, they think it is already sort of visually impacting, and he feels they are way more handsome solution than an energy substation, but they also want to be near the substation because if there is any requirement by the utility for any sort of upgrades, the closer you are to the substation, the more minimal the cost.

Mr. Koretke asked him to give the distances again from the residences.

Mr. Buffington pointed this out on the map. It would 300 feet from the property to the South and around 470 feet from the property to the Northwest.

Mr. Koretke asked if they were measuring from the corner of the residence or the property line.

Mr. Buffington stated from the house itself. He stated he knows that every community has to do what is right for their citizens, but the longest setback his company has seen from residential for solar in other jurisdictions is 200 feet.

Mrs. Gunter asked Mr. Buffington to please show on the map what area the solar farm would be occupying.

Mr. Koretke asked about a 50-foot setback to the actual panel or the cyclone fence.

Mr. Buffington stated from the panels.

Mr. Koretke asked from the residence to the fence or the residence to the solar panels is 500 feet?

Mr. Buffington stated their 300 feet measurement is from the house to the panels.

Mr. Koretke stated he does not see a problem with it.

Chair Lamont stated she would not want anything less than the 300 feet.

Mrs. Gunter stated she had checked with other counties on the 500 setback requirements, Tazewell, Kankakee, Woodford, Sangamon, they all have 500 feet from a residence in their ordinance. That is where she pulled it from. She stated these are just stipulations, and the board can change the stipulations.

Mr. Koretke asked if the permit is for the life of the project.

Mrs. Gunter stated yes.

Mr. Koretke asked about if there was a required setback from Ameren substation.

Mrs. Gunter stated Ameren was notified, and we never heard anything from them.

Bill Koretke made the motion to amend the setback stipulation from 500 feet to 300 feet from any residence, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

Dennis Hughes made the motion to approve the petition, seconded by Bill Koretke. All members present voting, Aye. Motion carried (3-0).

- 5.3** S-03-05-18 a petition filed by Lisa Smith requesting a Special Use Permit to operate a coffee house and beauty salon in (A-1) Agricultural Zoning. The property is commonly known as 8791 Bethel Road, Blue Mound, IL 62513. PIN 15-15-28-100-010

Lisa Smith  
1550 E 2500 N Road  
Blue Mound, IL

Mrs. Smith stated she is requesting the special use permit for a proposed coffee house and salon in a vacant church building north of Blue Mound on Route 48, Bethel Methodist Church. She stated it has been vacant for quite some time, nobody really wanted it. Her daughter is a licensed cosmetologist and she herself is a doctor. She works in Springfield at a school-based health clinic, which she started. She was approached about different businesses in this location and she always wanted to run a coffee house with pastries and lunches and stuff. The medical field is hectic and she is looking for something a little bit quieter and easier going. She stated the building is in very good shape structurally. It is set up like a church but can easily be converted into something else. The reason she considered this is because it is right off of Route 48. She stated it is really on the wrong side of the road, she would have rather had on the other side for business reasons for the morning traffic but they can cross over. There is some parking, although they can rock it more and make more parking. They have discussed with the cemetery board about this because there is a cemetery around it. There is a letter from the trustees in the packet she distributed stating that they are supportive and excited about the business. She said she did not realize there would be this much excitement from the town but they are really excited. She stated she and her daughter just attended a business course on starting a coffee house, they received a certificate and had a barista training. Her daughter will be helping her manage the business. She felt it was important that they both attend the course and figure out how much it would cost and what it takes to run one. She is excited and thinks they can do it. They will make specialty coffee, but she wants it to have a hometown feel where people feel comfortable when they come in. The name of the business is King's Crossing. Her husband is a minister, and they wanted to keep the church theme going, and there is a railroad crossing close by. She stated starting her own business is all new to her.

Mr. Koretke asked if she was trying to connect with commuter traffic, would they have a drive through?

Mrs. Smith stated they are planning to put one in. They have talked to the cemetery about how much of their property they would be able to use for rocking, turn around, and stuff. They have not gotten that far yet on how to construct that. They have already started clearing out some of the brush and the trees. She stated there is plenty of room on the west side for parking and the cemetery is all for it. They told the cemetery board they would rock it and make it look really pretty and nice. She does believe they need a drive through to capture that morning traffic.

Mr. Koretke asked if they are leasing the property.

Mrs. Smith stated no, they purchased the property.

Mr. Koretke asked how much did they buy.

Mrs. Smith stated they bought the parcel that the church sits on.

Chair Lamont asked how close the nearest head stone is to the church.

She stated the rear is somewhat close. She pointed some information out on the map. She stated it is very important to preserve the cemetery nicely and they do not disrupt anything.

Mrs. Gunter stated it is great that the cemetery board is supportive but wanted to know if Mrs. Smith is saying the cemetery was going to let them use that parking lot or were they going to purchase more land?

Mr. Smith (petitioner's husband) pointed an area out on the map and stated it is presumed by the cemetery board that they will not sell the burial lots in that area ever because no one wants to be next to the church. He stated if you live in Blue Mound, the cost of the burial lots is \$125. They did tell the cemetery board that if they had to, they would purchase the burial lots.

Mrs. Gunter stated ok, but what they say and what will be legal are two different things. It is great they are supportive, but as far as the ordinance, all parking has to be on your own parcel. Right now, from what she has measured, they have 20 feet on the East side from the building to the property line. They have 34 feet on the West side from the building to the property line. The ordinance is pretty cut and dry that when running a business, all parking has to be on the parcel. She stated they might have to purchase more ground for parking.

Mr. Koretke asked if their access has to be on their ground as well.

Mrs. Gunter stated yes, they have access right now...

Mr. Koretke asked if they would be accessing from the cemetery's parking lot.

Mrs. Gunter stated yes, and asked Mrs. Smith if they would be changing the access, would they rock the front for parking?

Mrs. Smith stated yes.

Mr. Smith pointed out on the map where the drive through would be going. He stated the parking would be partially on their property.

Mr. Koretke asked the distance between the church and the property line on the West side.

Mrs. Gunter stated 34 feet.

Mr. Koretke stated that is more than enough.

Mr. Smith also pointed out an area in front that would become handicapped parking spaces. They will be installing two handicapped restrooms in the front of the building. He stated there is

an existing chair lift going to the basement.

Mrs. Smith stated there is a handicapped restroom in the basement.

Mr. Smith stated yes, but they don't want everyone having to go down there which is why they would be building two upstairs. He stated the salon would be in the basement.

Mrs. Gunter asked if they are going to purchase more ground.

They stated if needed.

Mrs. Gunter stated it would be needed.

Mr. Smith stated there are twelve burial lots per big plot and they need three, so  $12 \times 3 = 36$ , so \$125 because they have a Blue Mound address so, they can purchase the lots for the \$125. He asked if they actually have to purchase the land or can they lease it.

Mrs. Gunter stated no, not for a business. Your parking spaces shall be 10' in width and 20' in length, which is the requirement for parking spaces.

Mr. Smith stated ok so yes that would only leave 14' for a drive through.

Mrs. Gunter added that there would need to be space for the vehicles to back out of the parking spaces also.

Mr. Smith asked about just buying that small amount of land. Would they be ok with that?

Mrs. Gunter stated they would need to purchase it and have it surveyed all as one so the 2 parcels will be put together as one. Survey and record it. The plat act says that if 2 adjoining landowners want to move the property line, that can be done without having to go through a minor subdivision. She stated this is something they can do.

Mr. Smith asked if he purchases the lots, they would be his....

Mrs. Gunter stated yes, but it has to all be on the same parcel.

Mr. Koretke stated if both parties agree, then it is a done deal.

Mrs. Gunter stated you could not just purchase the lots as burial plots and then use it as parking. She stated this is something they would need to work out with the cemetery board.

Mr. Smith stated they have already talked to them regarding the septic system and such...

Mrs. Gunter asked where the septic system is located.

Mr. Smith stated they would need to put a new one in and the cemetery board agreed to allow

them to use an area for their laterals.

Mrs. Gunter stated they would need to talk to the health department about that because she does not know if you can put laterals on someone else's property.

Mr. Smith stated they could probably come across the back of the property with them also and up one side.

Mrs. Gunter asked if they had talked to the health department at all.

Mr. Smith stated no. He said it has a septic tank now but the problem is when they add the bathrooms upstairs, they will not be able to go in the same septic tank because it is too low.

Mrs. Gunter stated there are going to be requirements that they will need to work with the health department on.

Mr. Smith stated they would not be able to go into the existing septic tank because it is too low.

Mr. Koretke asked about a trash pump.

Mr. Smith stated he did not know...

Mr. Koretke asked where the current septic is located.

Mr. Smith pointed it out on the map.

Mr. Koretke stated that location is right under the proposed drive through.

Mr. Smith stated it is probably 6' in the ground, they think at the bottom of the basement. He stated there is a bathroom in the basement and all the drainage from the old kitchen and stuff goes into the floor so the septic tank inlet would have to be lower than the floor.

Mr. Koretke stated there has to be a trash pump down there.

Mr. Smith stated no, it is all gravity fed. He stated there is an old cistern in the back also which is not being used. He stated it would be abandoned.

Chair Lamont asked if the water would need to be tested also.

Mrs. Smith stated yes.

Mrs. Gunter stated this would be one of the requirements. Kathy Wade from the health department has already looked at this and has provided some stipulations.

Mr. Smith asked if they could have a copy of the stipulations.

Mrs. Gunter stated yes.

Mrs. Smith stated she has to have a ridiculous filtration system for this. It takes everything out of the water and then puts something back in.

Mr. Koretke asked about signage. Would they have signage on Route 48?

Mrs. Smith pointed out an area on the corner of Route 48 and Bethel Road for a sign.

Mrs. Gunter asked if they received approval from the landowner.

Mrs. Smith stated they have not done anything because they are trying to get this first. They do not want to do anything until they get the special use permit.

Mr. Smith stated they have Noland's and other friends that will talk to farmers and other people in the area....

Mr. Koretke stated that is not enough business to sustain them. He stated we normally have a minimum size for signage, a small sign, but that distant from the road he believes they will need a fairly good size sign.

Mrs. Gunter stated well that and the ordinance states the sign has to be on your own property also.

Mr. Koretke stated they could lease other ground to let people know there is a coffee shop. He does not see that as a problem. He stated they would probably need a sign off to the North of the property pointing in the direction.

Mrs. Gunter stated because of space, the sign would probably need to be on the building.

Mr. Koretke stated if this is the case, they should probably allow for a little bigger sign. He stated that the board wants the petitioners to be successful and not abandon it.

Mrs. Gunter asked if both businesses would have the same hours.

Mrs. Smith stated she does not know yet. It depends on what her daughter wants to do with the salon. Starting out she doesn't think their hours will be as much as they might be after the business gets going, she was thinking maybe 6:00 a.m. – 2:00 p.m. but she needs to do a little more research on that and probably start out slow and build up their hours.

Mrs. Gunter asked how many employees would there be.

Mrs. Smith stated she thinks around 10 employees to start out because they will need some part-timers.

Mrs. Gunter asked if they would all be working at the same time or in shifts.

Mrs. Smith stated yes, shifts, it will be part time, different days probably.

Mr. Smith stated the salon would be big enough for three chairs and a nail tech and some other things that their daughter might want to expand on. They bought the existing salon business from the young man in Blue Mound across from the ice cream shop by the laundry mat. They purchased all of his equipment when he moved to California.

Mr. Koretke asked if they would be running one business or two.

Mrs. Smith stated two.

Mr. Koretke asked so two separate entities.

Mrs. Smith stated yes. She and her husband have an LLC and so it will be two businesses and their daughter will be leasing her space in the basement from them and so she will be paying rent for her space.

Chair Lamont asked if there would be a separate entrance for the salon.

Mrs. Smith stated when you come into the church, there is a foyer area and there are doors that go into the sanctuary and there is a stairwell that goes to the basement. It is the same entrance into the building but a different entrance down to the salon. You do not go into the coffee shop to get to the salon.

Mrs. Gunter stated she apologizes for going back to the parking, but you have to have certain amount of parking per the number of employees. That is why she asked about the number of employees.

Mr. Smith stated there will probably only be around three people there at a time.

Mrs. Gunter stated well if you have a nail salon with three chairs, then the coffee house, you are already up to seven employees there and that is not even including your customers. They are limited on their property, she is just trying to be honest with them up front that these will be requirements. Mrs. Gunter asked if there is adequate ingress and egress in the basement like escape windows. She saw there was a back door on the church. She asked if that comes from the basement.

Mr. Smith stated yes it comes from the basement out.

Mrs. Gunter asked so you walk right in that back door, that is the basement.

Mr. Smith confirmed.

Mr. Koretke said so the basement has two entries.

Mrs. Smith stated yes, the front and the back. The sanctuary has the front, and the basement has the front and back.

Mr. Koretke asked what the cemetery board will do if they have a funeral.

Mrs. Smith stated they told them that nobody parks in that parking lot, they all drive out to the gravesite and they were not concerned about it.

Mr. Koretke stated he has been there for 3 funerals and they do park in the parking lot to the West of the church.

Mr. Smith stated him and his wife's business would actually increase the cemetery's parking when they do what they are supposed to do with the parking lot.

Mr. Koretke asked so basically pave the whole...

Mr. & Mrs. Smith stated they would rock it. It would be a CA6 drive and parking area and it slope drains off towards the creek.

Mr. Koretke asked what if you bury somebody when it is really muddy.

Mrs. Gunter stated so they will concrete up front for the handicapped parking because that is what it has to be....the concrete.

Mrs. Smith stated yes they could do that. Whatever the guidelines are, that is what they will do.

Mrs. Gunter stated Mr. Smith works for SKS; have an engineer draw all of this up. It will require an engineered set of plans and in those plans, they will also draw the parking lot up.

Chair Lamont asked Mr. Smith to point some information out on the map.

Mr. Smith stated all three cemetery trustees have been there and met with them, and they were going to talk to their boss about all of this and that they would call the Smith's if there was going to be any problems, and they have not called.

Mr. Koretke advised to get as much as they can in writing.

Mr. & Mrs. Smith agreed.

Mr. Koretke asked if they were offering anything outdoors at this time. He asked if there is seating area inside.

Mrs. Smith stated yes.

Mr. Koretke asked how many square feet for the coffee shop area.

Mrs. Smith stated about 1800 square feet.

Mr. Koretke said so 400-500 square feet is the kitchen area?

Mrs. Smith stated the kitchen is actually in the basement.

Mr. Smith stated they would be adding a stairway from the kitchen to the upstairs in the back of the building. That way when they cook, they would not need to go through the salon.

Mr. Koretke asked if that would give the upstairs a second exit.

Mrs. Smith stated yes it will to the basement and then they can go out.

Mrs. Smith stated they had a plumber come in and he told them they would need to get it rezoned first and so they didn't do anything more until they came here.

Mr. Koretke stated there is probably a minimum size septic tank...

Mr. Smith stated they will hire out for this work.

Mr. Koretke stated his point being the health department may require even more land for their laterals because it is based on how many flushes per...

Mr. & Mrs. Smith agreed.

Mrs. Gunter was called on to present her finding of facts.

Petition: For a Special Use permit to operate a coffee house and beauty salon in (A-1) Agricultural Zoning.

Parcel Number: 15-15-28-100-010

Location: This property is commonly known as 8791 Bethel Road, Blue Mound, IL 62513 in Pleasant View Township.

Acreage: .23 Acres

Zoning: A-1 Agricultural Zoning

### **Finding of Facts**

- The current owners of this property want to have a coffee house on the main level and a beauty salon in the basement.
- A special use permit is needed because the Macon County Zoning Ordinance (Section 155.008) defines a special use as a use, either private or public, which,

because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. Therefor the Special Use Permit was needed because this property is zoned A-1 Agricultural Zoning.

- Letter of support from cemetery trustees was presented.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:  
The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known problems with required utilities and facilities.

INGRESS & EGRESS: No known problems with ingress and egress.

CONFORMITY TO REGULATIONS: With the passage of the Special Use Permit by the Macon County Board the property will conform.

STAFF RECOMMENDATION: You may vote to approve or deny this petition, or amend as appropriate. Staff has inspected the property and staff recommends **approval** with the following stipulations:

Stipulations:

1. This Special Use Permit constitutes a license issued to the named Petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. Advertising sign regulations on the business parcel shall ~~comply with Macon County Zoning Ordinance.~~ **Be a minimum of 8 feet by 8 feet.**
3. Building permits shall be obtained as required along with engineered set of plans.

4. There shall be no parking on the county roads for any events. Ample parking shall be provided to handle all business on the parcel of land.
5. Parking requirements shall comply with ADA requirements and meet requirements within the Macon County Zoning Ordinance.
6. Additional property shall be purchased from the cemetery to have enough parking for the business customers and employees.
7. All private water systems will need to be properly constructed, and tested yearly to ensure the supply is potable. A Non-Community Public Water Supply application must be applied for through Illinois Department of Public Health.
8. An approved plan review of the commercial kitchen will be required prior to any construction commencing.
9. Contact Illinois Department of Public Health regarding a wholesale license, and meet those requirements. (If needed)
10. The septic system needs to be inspected and approved by Macon County Health Department before an occupancy permit will be issued.
11. Said property and all operations shall remain subject to all other applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
12. This special use permit shall be for a 2 year period beginning June 14, 2018 and ending June 11, 2020.

Mr. Koretke stated the local ordinance that Mrs. Gunter just read would cover if they need to purchase more land for laterals, the septic tank etc. Therefore, the board would be covered there.

Mrs. Gunter stated yes the County is covered and the septic system will need to be approved by the health department.

Mrs. Gunter asked Mr. & Mrs. Smith if they had any questions for her.

Mr. Smith asked if they would receive a letter with all of this information.

Mrs. Gunter stated yes, once it is approved by the county board, if it is approved, then we would send them a copy of the resolution. She told him he could have a copy of the stipulations after the meeting if he wanted.

Mr. Koretke asked about the size of signage.

Mrs. Gunter stated she believes the size in the ordinance is 3x3 but she would need to double check.

Mr. Koretke stated he does not want to limit them.

Mrs. Gunter stated if the board wants to change the signage, they could.

Mr. Koretke asked the petitioners is they had a size in mind.

Mrs. Smith stated at least a six-foot sign, maybe 4 x 6

Mr. Koretke stated they need to know what can be seen from the highway.

Mrs. Gunter said it would also depend on where the right of way is located.

Mr. Koretke agreed.

Bill Koretke made the motion to change the size of signage to 8 x 8, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (3-0).

Mrs. Gunter advised the petitioners of the next meeting dates.

Chair Lamont asked Mrs. Gunter if the board has anything for the next scheduled meeting. Mrs. Gunter stated we have five hearings for next month.

ADJOURNMENT: Dennis Hughes made the motion to adjourn; Bill Koretke seconded. All members present voting, Aye. Motion Carried. (3-0). Meeting adjourned at approximately 9:35 A.M.

*Minutes submitted by Tracy Sumpter, Macon County Planning and Zoning Dept.*