

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – July 11, 2018**

**MEMBERS PRESENT**

Barb Lamont, Chairman  
Bill Koretke, Vice Chair  
Blake Noland, Member  
Dennis Hughes, Alternate Member  
Ed Leonard, Alternate Member

**COUNTY PERSONNEL PRESENT**

Jennifer Gunter, Planning & Zoning Director  
Tracy Sumpter, Planning & Zoning  
Jay Dunn, County Board Chairman  
Michael Baggett, States Attorney's Office  
Laurie Rasmus, Environmental Management

**MEMBERS ABSENT**

Andy Freeland, Member

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

**MINUTES**

Ed Leonard made the motion to approve the June 27, 2018 minutes, seconded by Bill Koretke. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1 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

Mrs. Gunter stated this petition is tabled until further discussion.

**NEW BUSINESS:**

- 5.1 R-01-07-18 a petition filed by Decatur Public Building Commission for rezoning approximately 107.11 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial Zoning. The property is commonly known as 1129 N. Wyckles Road, Decatur, IL 62522. PIN 06-11-12-400-013

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

Jerry Lord  
Manager, Decatur Public Building Commission

141 S Main Street, 8<sup>th</sup> Floor  
Decatur, IL 62523

Mr. Lord stated they are looking to rezone the property on Wyckles Road. It was acquired by the Decatur Public Building Commission just recently through a gift from the Howard Buffett Foundation. The property has been deeded over to the Commission. The Commission will own the property but it is in an agreement with the lease from Macon County to lease the property for the purpose of a recycle center, compost facility and possible solar farm on the West side. Mr. Lord pointed out on the map where the recycling center building would be located. He stated the plan at this time is to construct a metal building, concrete slab and loading dock for a recycling center to bring in items for recycling that are done now on regular scheduled drops throughout the year. This will be more of a daily operation facility. He stated Laurie Rasmus with Environmental Management is in charge of this and he believes she could give a lot more detail for how it will be operated. The building commission's responsibility is to construct the building and maintain the property. He stated the building would be on the East side, the recycle center being more towards the center of the property and if there is a future solar farm, it would be on the West side of the property. He stated there are drawings available.

Mrs. Gunter looked through the file and found the drawing for the members to look at.

Mr. Lord stated they are looking to rezone from Agricultural Zoning (A-1) to Light Industrial Zoning (M-1).

Mr. Koretke asked how many trucks per day, would they put up a chain link fence, lighting...how industrial would it look.

Mr. Lord stated the overhead lighting would be simple parking lot lighting. They are not looking to light the entire property, just the building around the recycle center on the East side. Trucks per day, on the compost, he would say there would probably be a considerable amount of traffic, both public and regular recycle haulers.

Mr. Koretke asked how much of a buffer would there be....

Mr. Lord stated there is a small area of land, there is a buffer between according to the IEPA permits that is required so that ground water does not leach run off. There is a filtration portion. The buffer would be on the West side of the tree line.

Mr. Leonard stated his knowledge of the property is there is substantial drainage area that comes down to where that tree area is, from all the farmland to the North.

Mr. Lord stated that is correct, the drainage that will happen in the composting catches some of that, but it does not do that until it goes through...

Mr. Leonard asked so they are not putting anything where the timber is where the water runs.

Mr. Lord stated that is correct. He thinks there is a plan to thin it out to be able to get through

there, but nothing as far as construction is planned there.

Mr. Koretke asked if it would act as a site buffer from the road.

Mr. Lord stated yes.

Mr. Koretke asked if they planned to put some pine trees or something to the South.

Mr. Lord stated no planting of trees but there is a grass buffer.

Mr. Koretke asked if the height of the compost piles would be visible from US 36.

Mr. Lord stated he would imagine so, yes. Just from his experience of visiting the Danville compost facility, he believes you would see it from US 36.

Laurie Rasmus  
Environmental Management, Director  
141 S Main, 4<sup>th</sup> Floor  
Decatur, IL 62523

Mrs. Rasmus stated compost wind rows of compost facilities would be less than 15 feet tall, they may have some stockpiles of finished compost or brush that might be a little bit taller. They would try to keep things under 15 feet for safety reasons and also visually. You probably would be able to see these from the roads; they intend to keep this a very neat and tidy site. Things in wind rows, not all strewn about. As far as the timber area, yes there is drainage through that, they are aware of it and want to do everything they can to keep that open so that the farmland to the North is draining properly. As part of the permitting process, they are required to hold a ten-year precipitation event on the property itself so there will be some sedimentation basins to be able to hold those so they are not just spilling onto the neighboring property.

Mr. Leonard commented that Mrs. Rasmus stated they will do everything they **can** to keep the farm drainage open, he would rather she say they **will** keep the farm drainage open.

Mrs. Rasmus stated they would keep the farm drainage open.

Mr. Donald Roderick from the citizens section wanted to comment.

Chair Lamont asked him to please wait until Mrs. Rasmus was finished.

Mr. Roderick asked about the time limit.

Mr. Baggett explained this is an evidentiary hearing. The way this typically works is the board members have an opportunity to cross-examine the witness. After the board members are finished, at any time after that, then it would be open for public questioning. You are not limited for that purpose to the five minutes per person or twenty minutes per total, that is when it comes time for their testimony. As far as the cross examination of the witness, you will be given an

opportunity to do this and you will not be limited in time. You would be limited in scope to make sure it is not repetitive.

Mrs. Rasmus wanted to mention the section East of the timber which is about 20 acres has already been seeded in a pollinator mix and so from Wyckles Road, once that is established, you will see a flowering pollinator mix around the recycling center. It would be a pretty view from Wyckles Road as well as from the South.

Mr. Koretke asked how far is the setback from Wyckles Road to the building and parking.

Mrs. Rasmus stated she would need to look at the plans but she believes it is about sixty feet.

Mr. Koretke stated it looks like almost one hundred feet if the scale on the drawing is right.

Mrs. Rasmus stated that plan was made back in March, and things have changed quite a bit and they will continue to change. What he is looking at is just a concept plan.

Mr. Koretke asked where the recycling goes to now.

Mrs. Rasmus stated it depends on what it is. Not everything that they take in, they will be keeping, it will be taken to other facilities. She stated they have boxes in the County that they serve and it will directly go to Midwest as it always has, it will not be brought to the recycling facility. She stated what they would be taking at this facility would be things that are not collected curbside or in the recycling boxes. That would include things like electronics, paint, eventually they would like to be permitted to take in household hazardous waste. She stated, again this is not a final destination. It is not a landfill; they are re-packaging it and shipping it out.

Mr. Koretke asked so there is very little product held for any length of time.

Mrs. Rasmus stated that is correct, the idea is to package it so it is ready for shipment.

Mr. Koretke asked again about the industrial look. Will there be a chain link fence? What will be the final view from the road, church...

Mrs. Rasmus stated they would have a gate at the entrance driveway that will be open during the day and closed when they are not open. She stated they would not have a fence at this time but leave it open so people can see the pollinator habitat, flowers, and enjoy the view.

Mr. Leonard asked if the state requires a fence.

Mrs. Rasmus stated no they do not. She stated if the solar farm were developed, a fence would be required around that area.

Chair Lamont wanted to clarify the recycling containers throughout the County will still go to Midwest Fiber.

Mrs. Rasmus confirmed.

Mr. Koretke asked so there will not be a lot of loose material coming to the facility, material blowing from the site...

Mrs. Rasmus stated most stuff coming into the recycling center would be primarily from residents. Therefore, they would be bringing stuff in the car, pick-up trucks, stuff they want to get recycled individually from their homes.

Mr. Noland asked how long is the carry over before it is re-packaged and shipped.

Mrs. Rasmus stated currently for paint, they put it into drums and they will fill drums in about a six-week period before they have enough for a truckload. As far as electronics, they are basically shipping those out every week or every two weeks so they have adequate space in their warehouse. She stated they will have more space at the new facility so they hope to be able to fill semis instead of just box trucks but at the same time, they do expect their input to increase so she would think it would just be a couple of weeks before they are turning it around and shipping it off.

Mr. Leonard asked where they are located currently.

Mrs. Rasmus stated they have a rented warehouse on 21<sup>st</sup> Street just south of Garfield.

Mr. Leonard stated he noticed composting further up on Wyckles Road, closer to Route 121. He asked if they are involved in that facility.

Mrs. Rasmus stated no, there are two compost facilities currently in Macon County. One is called Decatur Compost; the other is called Macon County Compost. Neither one is owned by the City or the County that is just the names they have. They are both privately run. Don Roderick owns and operates the Decatur Compost facility and the other one is owned by Larry Garver and operated by Rex Evans. She stated she feels that neither one is sustainable in the long term to serve the county and city.

Mr. Koretke asked if her composting site would be larger in acreage than the two that are currently used.

Mrs. Rasmus stated what they are looking at as Phase 1, the initial development is around 40 acres and she believes Don Roderick's site is about that, the other one is about nine acres.

Mr. Hughes asked who would be able to use the facility once it is open and the hours of operation.

Mrs. Rasmus stated the recycling center is geared towards residents although they would like to eventually be able to serve businesses to some extent, especially electronics; they have a very difficult time getting rid of them here in the county. The hours of operation for the recycling

center would be daytime hours including some weekends, most likely Saturdays. The compost facility would be daytime hours again on weekends also.

Mr. Hughes asked is that residents of the City, County, or both.

Mrs. Rasmus stated both, and even out of the County. As far as the compost facility, it would be more than residents. They would like to capture landscape contractors, all of the hauling trucks going around picking up garbage, they are using those same trucks on a separate route to pick up landscape waste and she would like it to come to this facility as well.

Mr. Koretke asked if the compost center would allow residents to bring in pick-up truckloads or is it only the garbage haulers and...

Mrs. Rasmus stated they want to serve everyone from someone who is bringing something in the trunk of their car with two kids in the back seat to...

Mr. Koretke asked how much traffic they would be expecting.

Mrs. Rasmus stated they are expecting about 30-40 trucks per day not counting residential. As far as residents, she believes Saturday would be the busiest day.

Chair Lamont asked if the compost would just be yard waste.

Mrs. Rasmus stated they are seeking a permit to be a landscape waste compost facility. In the future they could look at doing a more advanced permit and bring in other organic materials, things that would include...for instance there is industry here in Macon County that are making food and feed products that are off spec and those products are currently being landfilled but they are organic material that could be composted as well.

Chair Lamont asked if they are permitted for the organic stuff, would there be odors and such.

Mrs. Rasmus stated a well-run compost facility has an earthy soil like odor and so if something comes in that has a strong odor, the key is to mix it immediately and get it incorporated with some other material immediately and really it is the management of the facility that can control the odor.

Harold Gilbert  
240 Magnolia Dr  
Forsyth, IL

Mr. Gilbert stated later on he would explain why he is here, but the question that comes to mind is the comment that was made earlier that the other two compost sites do not seem to be sustainable. Ok, how is this facility going to be sustainable, where is the revenue generated, how is it generated because there will obviously be more people employed to operate a facility like this that will have 30 trucks per day coming in plus private vehicles. He asked how this would sustain itself. Is there a charge for each television that is dropped off, is there a charge for each

truckload of landscape waste, how much for a pick-up truckload? He thinks these kind of questions need to be answered as well.

Mrs. Rasmus stated these are good questions. She stated in terms of the compost facility's sustainability, they have used the Urbana compost facility as a model. They have been in business since 1985 and are currently operating where they are not costing the cities that they are partnering with any revenue. They are self-sufficient, they are buying their own equipment on a schedule, and they are upgrading their site. In 2016, they brought in about \$380,000.00 of revenue beyond their expenses that they are able to put back into their facility. She stated the two facilities that we have; she does not believe they are not sustainable because of an economic model. She thinks it is more because of, quite frankly, a management model. That is why they are looking at Urbana as a model for them. In terms of the recycling center, they currently do charge only for televisions and computer monitors, everything else, other electronic items, paint, CFL's, things like that are accepted free of charge. That schedule is because televisions and monitors are more difficult to get rid of because of the leaded glass, the CRT screens especially. If a Macon County resident wanted to recycle a television with someone else, Best Buy is charging \$25 and they are only accepting the smaller ones. She feels that \$10 for a television is very reasonable. She stated compost facilities, in order for this proposed site to be sustainable, of course they would need to charge a gate fee and so they would either do that per cubic yard or ton and that will be similar to what is currently being charged by the compost facilities as well as their Urbana model. Also, in terms of product, they realize that Macon County does not realize the value of compost and mulches and they have kind of an uphill battle in terms of marketing and education. She stated their intent is to sell out of product. She stated Urbana is selling out every year. They are bringing product in from other places just to keep up with the demand on some items. Mrs. Rasmus feels this facility can be sustainable in terms of economic purposes just because of what they want to do in terms of management.

Mr. Koretke asked if in part, they have funding from commercial haulers bringing in landscape waste and grant programs from the state for recycling, plus they will charge residents as well coming in.

Mrs. Rasmus stated yes, there are a number of different revenue streams. They have a County budget for their department. Their budget comes from tipping fees from the landfill, they receive a portion of these fees and the rest goes to the general fund of the county. She stated her department is funded from the general fund. She stated her department has some reserves and then they plan to bring in revenue from both commercial and residential sources.

Don Roderick  
Decatur Compost, Owner

Mr. Roderick stated there are many things not being explained here. He stated when they talk about the retention pond, there is no depth in it and there is hundreds of acres, you have farmland up north that is draining down to it. He stated they have not said if that is a floodplain or not, the engineer has not declared that. He stated compost, if it is not done properly, is a killer. He is speaking of himself because he was stupid when he started compost, he did not wear a proper mask and now he is under doctor's care 24 hours a day because he was stupid. He stated

compost is a killer and if it is not handled properly...he said they have nothing to show it takes a large amount of water for the compost, they have nothing showing how they will supply the water. It is more than just tankers. He stated he has to maintain a tank trailer for his compost and between the two composts, the most they take in is about \$300,000 per year. He stated to the board if none of them has ever been to a compost facility to see how yard waste comes in, it has a horrific amount of trash. He stated he has showed pictures to the County Board of all the trash that has come in and goes on farmland and then they chisel and plow to cover up the trash. He stated anyone who comes into the compost should be required to open immediately and take the trash out because when you grind that trash, it becomes a million pieces of plastic. He stated also on the compost site, talking about the food waste, he said if they bring this in, it would be a stinking mess. It will be another landfill on the main entrance coming into Decatur, Route 36 and Springfield. Mr. Horve is concerned about his convention center and to have this large church here, it takes anywhere from ten to fifteen years to kill you like it is killing him. He stated all these church members; it will take ten to fifteen years to know what this has done. He stated all prevailing winds come from the west right in line with the Tabernacle Church. He stated if there is a bad storm and people are parked there, it will blow all this compost on their cars. It will also get into the air conditioning system. He stated these people would wonder what happened to them in ten to fifteen years. He stated that is about all he has to say.

Mr. Koretke asked Mr. Roderick if he was saying that the odors and discharge, the air quality around his compost center, you can smell that and breathe in contaminants from it how far?

Mr. Roderick stated it is a very contamination.

Mr. Koretke asked how far away his compost facility is affecting air quality.

Mr. Roderick stated he runs his compost, he does not know how far it is, he was the one that ran the big grinder and he was stupid and did not wear the proper mask...

Mr. Koretke said he got that, but Mr. Roderick is saying the church and the conference center are going to have odors and air contaminants from the proposed compost facility.

Mr. Roderick stated yes, the church, they are going to put up monitoring systems around the property of the church and monitor this compost and then they can come back against the county.

Mr. Koretke asked if anyone is suing his compost facility.

Mr. Roderick stated no.

Mrs. Rasmus stated there appears to be three issues here. One would be air quality, second would be litter and the third would be water. She stated she would start with water. As she mentioned earlier, they have to be able to hold a ten-year precipitation event and so one thing they will be installing is a pond and water will be directed towards that through vegetative filters so that sediment is filtered out before it gets there. She stated the permit requires them to manage the water, the run-on water as well as the run-off water. The timber area is not considered a wetland; it does have a twelve-inch clay tile that goes through it. She has been told

it serves 263 acres to the North. They want to keep that tile in good condition and evaluate it. She has talked to a neighbor to the North who is quite informative of where the tiles come in and he feels the system is doing its job right now in terms of draining the acreage to the North. She stated he does not have any problems with ponding since some of that has been re-done in years past.

Mrs. Gunter stated that as the flood plain manager for the County, she has looked on the maps and there is no flood plain on the property.

Mrs. Rasmus continued with the second issue of litter. She stated there is no doubt there would be paper cups and paper bags with landscape waste coming in, who knows what else. She stated that has to be managed; it cannot be part of the system. Part of it is screening what comes into the facility. Some loads may have to be rejected. If it is full of litter, the load needs to go to the landfill. If it is litter that can be picked out, then that is what they would need to do. In addition, she stated they would like to screen their compost at the end so basically it is a trammel screen, it flips the compost and you have good material come out one end and discharge including litter the other end. Before the product is sold, it will certainly be removed of any litter. Litter patrol is part of a management practice that just needs to be done. Mrs. Rasmus continued with the third issue, which is air. She stated a well-managed compost facility has an earthy odor, freshly turned soil odor, she finds it a good aroma. She stated if they have something come in that has a foul smell, then it is management. In the spring you might get more green material like grass clippings, thing like that, the management is to right away mix it in with brown material, leaves or even wood chips so that you have a proper carbon to nitrogen ratio and that is what it is all about in terms of keeping the odors down. Managing it and taking care of what is coming in and knowing what is coming in.

Mr. Koretke asked just as an education point, do they turn the piles bases on temperature or...

Mrs. Rasmus stated the piles are to be turned because they want that temperature to be around the 130 – 140 area so they are getting maximum decomposition and so they will base that on science. They will take the temperature, read the moisture and the oxygen levels. Also in terms of water, with the ponding they would have, they can use that water to put back into the compost piles if they wanted to. She stated so one piece of equipment they were looking at buying is a turner that has a tank that is attached to it, it is a 3000 gallon tank so you can pull that along while turning.

Mr. Koretke asked how that compares to the two facilities we now have. Do they have sedimentation ponds, are they using the updated science.

Mrs. Rasmus stated the Macon County Compost Facility; the 9-acre site has been in violation because of things like not maintaining their waterways, also if you were to look at the site, that is not what we want a compost facility to look like. They are taking material in and not processing it in a timely manner. She stated quite frankly, it is 9 acres, it is inadequate. She stated the Decatur Compost Facility has been inactive really. She believes they are taking in some materials from the City of Decatur as well as a landscaper or two. In terms of the amount of material, it's been very stable for the past few years.

Chair Lamont asked how many employees would there be.

Mrs. Rasmus stated that right now she has two full time employees and close to 7 or 8 part time employees. She stated what they would need to add is a couple of people in the office area; the facility will have a window where residents can check in and then an intercom system for larger trucks. She stated there would be security cameras throughout the site as well. She stated as far as the operation of the compost facility, the back operators, they will need at least 1 full time operator to start with but if they can swing it in the budget, they would bring in two.

Mrs. Gunter asked if it was true that the IEPA permits and sets guidelines that you have to operate under. Everything is overseen by the state through a permit.

Mrs. Rasmus stated yes that is correct. She stated in fact, their office in the past had inspected those facilities under a delegation agreement. Because the County is proposing to get into its own composting operation, they have reached out to the IEPA and they will be taking over all of the compost facility inspections in the County.

Mrs. Gunter asked how often those inspections are performed.

Mrs. Rasmus stated the aim is to inspect the facilities once per quarter.

Mrs. Gunter asked if the permit from IEPA addresses odor and litter.

Mrs. Rasmus stated yes that is correct.

Mr. Harold Gilbert stated one of his concerns also in listening to the discussion is this organic material that is undefined, this other than landscape waste; tree limbs, stumps, whatever. Organic waste could be anything from waste from ADM, from restaurants, garbage and he is afraid that we start a facility like this under certain premises, already the design and the layout has changed. What will change after it is permitted. If it is allowed, you do not know what is going to be brought into the facility and if you only have one or two people in the back working this, you can't immediately, we talk about it being a management problem, you cannot immediately all of a sudden, you get a load of this in, you can't just start mixing things. You have to do it in an orderly manner. So there will be things out there that don't get mixed immediately that are going to create a problem that could be flies, mosquitoes, rodents...all kinds of things on this property.

Mrs. Rasmus stated those are good comments. She stated what they are asking for is a landscape waste permit and so by definition they are allowed to take in only landscape waste and up to ten percent of other organic matter that they would have to define in their application, and be part of the IEPA permit. She stated if they were to be in earnest, looking at becoming an organic compost facility beyond just landscape waste, they would have to apply for a separate permit and that does require a local siting process and so they would come before the County again through a separate process called local siting process in order to gain that permit at all. Local siting is required to have an organic compost facility.

Chair Lamont asked if that is something they might be looking at in the future.

Mrs. Rasmus stated that is correct.

Chair Lamont asked not at this time though.

Mrs. Rasmus stated that is correct.

Mr. Noland stated he does not know if he completely followed. He asked who actually is monitoring and enforcing, making sure guidelines are followed. He said it sounded like it was self-monitoring but then the state would be checking to make sure they were monitoring.

Mrs. Rasmus stated she thinks probably what happened is she mentioned monitoring, they will monitoring their material in terms of temperature and the oxygen levels, and that will help them to manage the site properly. The quarterly would be the IEPA.

Mr. Noland asked if that would be the state coming in.

Mrs. Rasmus stated yes, the Illinois Environmental Protection Agency.

Mr. Koretke asked so again if there were a problem, it would be addressed. If there is an odor problem...

Mrs. Rasmus stated absolutely.

Mr. Koretke asked addressing the questions raised, does the church, the conference center, and the pits to the West, do they have any concerns. Should they have concerns?

Mrs. Rasmus stated according to the official sources, the prevailing wind is actually very Southerly, just a little tilt to the West so she would call it south South West and even more South than that. She stated that is the prevailing wind. She has spoken with neighbors in every direction. The church has indicated to her that they welcome development out there. She explained to them the compost facility would be west of what is currently in timber and really, they just wanted to know what was going on. She stated that is pretty much what the neighbor consensus is, they want to know what is going on and she has tried to tell them the plan. She stated in terms of dust and things like that, they could incorporate management practices, wet down surfaces and things like that.

Mr. Koretke asked as far as she knows there is no issue with odor or actually hazardous...

Mrs. Rasmus stated no.

At this time, Chair Lamont asked if anyone else would like to speak.

Chair Lamont swore in Ms. Mabry.

Doris Mabry, she owns the pits land that is just to the West and butts up to the West end of this property.

Ms. Mabry stated she came to hear, not to talk, so that is why she did not swear in earlier. She stated there was mention of how some of the neighbors feel. She stated Mrs. Rasmus spoke with her extensively prior to this hearing, which is part of the reason she did not expect to be speaking at all. She stated as a neighbor and a resident who lives right there, she has several concerns that will not go away until they see what actually happens. She stated light is one, nighttime light. Dust is another, sound is another big one and some of the reasons for this are, it is not just her personal residence for almost forty years, but they used to have National Water Ski tournaments, they now have regional, fourteen state region, and they have one of those every fall. She stated she certainly would not want to have heavy machinery going on making noises so that they cannot even hear the intercoms and know what the skiers are doing for these tournaments. She stated Laurie has, in conversations with her, she knows all of this is a concern there as well so it has alleviated some her concerns and others are going to have to be, if this goes into effect, they will have to be approached as they happen she thinks because it is correct that it will depend a lot on management.

Mr. Koretke asked Ms. Mabry if she would be willing to negotiate with them so if she has a regional event coming that would last for say three days...

Ms. Mabry stated yes.

Mr. Koretke continued with if they were running a tub grinder or something like that, he stated she is right next to the Interstate as well so she is getting that traffic noise. He stated she could say hey, we have a three-day event coming up...

Ms. Mabry stated yes, and that is what they have done with their neighbors as it is anyway because sometimes the farmers are harvesting, and they have let them know what is going to be happening because she has allowed them to use her driveway for easier access. She stated so yes, and Laurie has said her phone is available; she carries her number with her all the time. She stated so that is very doable and actually that brings up another one of her concerns because she has had people tell her over the years, gee this is a beautiful property but they would never buy it because of the highway. She stated well now they are compounding that problem.

Gale Hutchens  
935 E Tohill Rd  
Decatur, IL

Mr. Hutchens stated he is chairman of the property at the church and takes care of it. He stated Mrs. Rasmus said she talked to somebody from the church but he stated he did not know anything about it. He stated he should have been informed. He stated anyhow, something that bothers him is he dug a pond out in the back of their property for the kids to fish in, a nice pond but there happens to be ten tile coming from that direction (he pointed out on the map) into their pond. There are two big ones and then some little ones, he stated the person that owned that

property did a lot of tiling. He stated that bothers him, he is afraid that it would contaminate their pond. Right now, it is excellent but he sure does not want something to get in that. He stated the wind is always out of the Northwest and they had to build a drive through on the East side of the church because when it is cold and blowing, the one on the West side is hard to use because they cannot get in and out. He stated that is all he has to say.

Mrs. Gunter asked where the pond is located on the property because it did not show on our aerial map.

Mr. Hutchens stated it is straight east. He pointed the location out on the map.

Mrs. Gunter asked when it was built.

Mr. Hutchens stated it has been several years ago, 8 or 10 years ago.

Mrs. Gunter just did not understand why it was not showing up on the map.

Mr. Noland pulled up a map on his phone that showed the pond and there was some discussion.

Mrs. Rasmus stated they are aware of the parcels the church owns and she stated when she spoke with the pastor he explained that to her. She apologized to Mr. Hutchens for him not being informed, she said she wished he had been. She stated she offered to go ahead and speak with whatever committee she could to bring this forward but that is where it was left. She stated as far as tiling, she said there is a tile that goes through the timber area and it drains through a ditch (she pointed the ditch on the map) and then it goes underneath Route 36 and eventually goes to the Sangamon River.

Mr. Koretke asked if it is a safe assumption to say none of the tiles West of Wyckles crosses to the East side of Wyckles.

Mrs. Rasmus stated yes, there are a couple of other smaller tiles over in the Western section that are quite a bit older and they are clay tiles as well. She stated they looked into, should they pattern tile this and the IEPA has indicated they would rather they did not tile it so they are not looking at that as an option. She stated but again, they have to contain the water on their site for a ten-year event.

Mr. Koretke stated in answering Mr. Hutchens, he would be concerned about building a pond that has field tiles coming from farm fields; he stated you are talking about nitrogen, atrazine and everything else, so you already have a problem.

Mr. Roderick stated over in Urbana he thinks that compost site was built on a landfill with no church around or close to it.

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

Petition: For rezoning, approximate 107.11 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial Zoning.

Parcel Number: 06-11-12-400-013

Location: This property is located at 1129 N. Wyckles Road in Harristown Township.

Acreage: 107.11 Acres

Zoning: A-1 Agricultural Zoning

**Finding of Facts**

- This is a rezoning from (A-1) Agricultural Zoning to (M-1) Light Industrial Zoning.
- In order to conform to Macon County Zoning regulations, the rezoning is needed for the land to be used for the construction of the Macon County Recycling Center. The Macon County Zoning Ordinance Section 155.150 states the permitted uses for parcels zoned (M-1) Light Industrial Zoning.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the north, west, and south and to the east it is City of Decatur Municipal zoning.
- A LESA score was calculated by the Director of Planning & Zoning. This is needed when a property is being zoned from an Agriculture zoning classification. The score for this property totaled 162.4 points which suggests the properties suitability shall be marginal for non –agricultural development and mitigating factors shall be evaluated.
- There is no floodplain located on the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Shall conform to Macon County Ordinance Rules and Regulations.

INGRESS & EGRESS: Adequate if used properly.

CONFORMITY TO REGULATIONS: With the passage of the rezoning by the Macon County Board, the property will conform.

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** of rezoning approximate 107.11 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial Zoning.

Chair Lamont asked about hours of operation and days of operation.

Mrs. Gunter stated those are stipulations that are put into a special use permit. She stated this is a rezoning for the property so therefore we cannot put stipulations on a rezoning.

Chair Lamont asked if anyone had any questions.

Harold Gilbert stated he probably should not come to these meetings because he keeps learning new things. He stated in Mrs. Gunter's report, she said these are marginal, referring to the score, that it was marginal that it should be rezoned and then she mentioned that these different things were negative, when she said redevelopment was negative, that is untrue. He stated if you put this site there, none of the property around there is going to develop into anything. He said he was going to reserve this for his comment later but one of the reasons when they decided to relocate the church 14-15 years ago, was because the area was pristine. You had in the area what was then the Holiday Inn, now the Decatur Conference Center, was a beautiful building, well maintained. The medical facility had not been built yet and so that was an open landscape. He stated they were encouraged by the City, when they took the property into the City, that the property to the West of them would probably be developed into restaurants and motels. Obviously, that has not happened but if you put this facility there, it will never happen. Nothing is going to develop there. The property to the North of the church, which they farm at the present time, was always purchased with a thought in mind that it could be developed into something later on. He stated when they approached the property owner to buy that property, the front part between the church and Route 36 belonged to Catholic Diocese maintained out of Springfield and the intent was that at some time it was supposed to be used as a cemetery. He stated after they made the deal to buy the property there was a change of heart for whatever reason and so the property was offered to them. He stated so they thought in order to keep all of that property together, it would be wise to go ahead and buy it so that somebody did not come along and build something between them and Route 36. He stated they have a lot of money invested in the church and the property. The County, maybe not this body, but the County has already affected them this year. He stated that probably nobody saw the zoning sign that was posted because the road has been closed most of the summer when the sign was up. He stated this has been a well-kept secret, word leaked out maybe a month or so ago about the solar panels possibly coming and then later on there was a little rumor going on about the composting, but as far as having a recycling building there, he did not know anything about that. He stated he is also on the property committee, which Mr. Hutchens chairs. He stated they knew nothing about this. He stated that maybe the one reason why the pastor that Mrs. Rasmus spoke to is gone is because he was not communicating well. He stated anyway, he is sure they would have had many members here complaining about this. He stated a lot of people think of a church as being only a Sunday operation...well you won't be operating the recycling facility on a Sunday so why would it bother them...but he stated their church because of the activities throughout the

community, is used, and busier some days than others, but it is used every day of the week. He stated they have homeschooling that comes in and uses the facility periodically during the week, they have a cooperative agreement with Dennis school, and they also partner with some of the other county schools to do different things, so it is an operation that is busy throughout the week. He stated 30 – 40 truck coming in and out of the recycling center is going to have an impact on their church and he is going to say on the attendance. He stated the reference to the building that will be built, all that was said was it would be a metal building. What kind of metal building, a pole barn? He stated that is permitted in the County, not in the City, not where he lives. He asked what kind of building, sixty feet from the highway, what kind of landscaping, he did not understand the reference to the vegetation. He stated we have no idea what this will look like; it is not going to be a pleasant atmosphere for them to have people come in on a daily basis. He stated they have a playground on the West side of the church.

Mr. Koretke asked him to point this area out on the map.

Mr. Gilbert stated when you are grinding these organic materials, whether it be stumps, limbs, grass, leaves whatever, you are going to have particulate in the air. He stated you cannot prevent that. He stated anyway, a number of things that concerns him and he probably said more than he intended to and he probably will not have to say anything later.

Chair Lamont stated right now all we are trying to do is deal with the matter of the ground, the building and everything would have to be permitted. She stated Mrs. Rasmus would go through Mrs. Gunter's office for everything that is needed.

Mr. Gilbert stated he knows that but it is the proverbial camel's nose under the tent. He stated once you get this ball rolling, it is not going to stop and you do not know what is going to happen in this facility in the future. He stated they have already talked about what they plan on doing later on, this and this and this. He stated he could not see this doing anything but getting worse.

Chair Lamont asked if anyone else would like to speak.

Mrs. Rasmus stated she would just like to mention a couple of things. She stated they really do want to be good neighbors. She stated if there were an issue that comes up, they would want to be the first to know about it. She stated it saddens her because she was unaware there was a committee at the church that really did not have good communication on this. She stated this whole process started, looking at this particular property, in December and so because the property was for sale, it was kept confidential until it came in from of the County Board, which was on April 12, 2018. She stated however, prior to that April 12<sup>th</sup> meeting she did go meet with neighbors and kind of told them what is going on so that they would have any idea. She stated from the get go, their intent is to be a good neighbor. In terms of grinding, with the projected amount of material that they would have coming in, they are expecting to grind about 200 hours per year so it is not all day or every day or anything like that. She stated again, they would like to address anything that comes up, any concerns that come up and they want to be a good neighbor and do what they can. She stated they do realize the church is not just a Sunday operation, it has a pre-school there. She stated as far as development is concerned, it is a metal building that will hold their offices. She stated it will have finished space on the inside to hold

offices and then the recycling center will have a high bay area with a loading dock and the way the building is going to face, the loading dock will not be seen from the road. It will be on the West side of the building.

Mr. Koretke stated for his education, isn't Wyckles Road being improved to a Class 3, aren't they widening it.

Mrs. Gunter stated yes they are widening it right now, she stated this is what she was going to touch on is that the zoning sign was posted on June 22, 2018 and at that time, Wyckles Road was open. She stated it might not have been open way down there, but it was at least open from Center Street to US Route 36.

Mr. Koretke stated his point is that Wyckles Road is being improved for truck traffic.

Mrs. Gunter stated that is correct.

Mr. Koretke stated you would already have more truck traffic.

Mrs. Gunter and Mrs. Rasmus both agreed.

Mr. Koretke stated he believes the Buffet Foundation gift was well announced.

Mrs. Rasmus stated that is correct; there was an article in the newspaper after the April 12, 2018 meeting.

Mr. Gilbert wanted to state a clarification about Wyckles Road. He stated it is being improved but it is not being widened. He stated he is also one of the trustees that has to sign legal documents so he was one of the people that signed off when selling the easement to the County. He stated it was inferred that the intent was to widen Wyckles Road all the way to Route 48. In fact, it would look like, if you remember, they improved the north end at Route 48 first and it was going to look like that the whole way. He stated since then, they have been informed that they are not widening the roadway, they are only improving it. They are milling it at the present time and are going to come in and put 2 inches or 3 inches or whatever on the top of it but they are not widening the roadway. They widened the shoulders and the ditches are farther back.

Mrs. Gunter stated that project is handled under Bruce Bird.

Mr. Gilbert stated that road has been closed periodically from their driveway through at different portions off and on all summer. He stated it might have been open the day Mrs. Gunter was there, but it has been closed since then. He stated they have the church's North drive exposed and they have not been able to use it for three weeks.

Chair Lamont asked for any more comments.

Mr. Koretke made the motion to approve the petition to which there was no second.

Mr. Leonard stated he is not going to vote for it so it dies for lack of a second.

Chair Lamont asked Mr. Baggett for guidance.

Mr. Baggett stated while the Chair can second, he does not know if that is something the Chair wants to do, but if there is no second then the motion fails for lack of a second.

Chair Lamont stated she guesses it fails for lack of a second.

Mrs. Gunter asked how it would go on to EEHW.

Mr. Baggett stated the ZBA is not the final authority on rezoning decisions; it is the County Board so this would go to EEHW with a lack of recommendation by the ZBA. He stated in fact a lack of recommendation, he doesn't think that is the correct terminology, basically say that the motion to approve failed for lack of a second so there has been no vote on whether this thing is recommended or not recommended. He stated EEHW would then perform its own vote and send it on to the County Board for final action. Mr. Baggett stated for clarification, the fact that a motion has been moved does not necessarily commit either the movement or the second to voting in favor of the motion.

Mr. Leonard stated he would second it so they can vote.

Mr. Baggett stated just so we are clear, by seconding a motion, you are only moving the question before the board for final vote. It is not an indication or some type of obligation by either the moving or the second to vote in the affirmative.

Mr. Koretke stated he called for a vote in favor, that is what he asked for. He stated so Mr. Leonard's yes is a vote for or....

Mr. Leonard stated no he called for a vote.\

Chair Lamont stated Mr. Koretke made a motion for a vote and Mr. Leonard just seconded.

Mr. Baggett stated this has come up before, maybe with this board, but certainly the County Board and committee's in previous years, with respect to Robert's rules or order, you are not moving to approve, you are moving to the previous question which is a vote on whether to grant or deny the petition and in their case to recommend to the County Board whether to grant or deny the petition for rezoning. He stated again, that might clarify why a motion and a second does not commit anyone to a particular outcome.

Mr. Koretke stated ok so we want to hear either a yay or a nay when Chair Lamont calls the vote. He asked if that clarified for everybody.

Mr. Baggett stated that is correct.

Chair Lamont called for a vote with two members voting yay and three members voting nay

(2-3).

**5.2** S-02-07-18 a petition filed by Matt Craft requesting the renewal of a Special Use Permit For the operation of a construction business in (RE-5) Single Family Estate Zoning. The Property is commonly known as 3415 Nevada Road, Decatur, IL 62522.  
PIN 02-11-34-276-006

Matt Craft  
3415 Nevada Road  
Decatur, IL 62522

Mr. Craft stated he would like to renew his approval to run a business from his shop. He pointed his property out on the map and the building he is currently using to house some materials and equipment to operate a construction business.

Mr. Koretke asked if he had a special use permit for the last two years.

Mr. Craft stated that is correct.

Chair Lamont asked if there had been any comments or concerns from his neighbors.

Mr. Craft stated the first time he came in for a special use permit there were, but not this time. He stated Mrs. McIntire did stop by and ask what the zoning sign was for. He told her it was for a renewal and she said she was not going to attend the hearing.

Mrs. Gunter stated her office had only received one call on this and it was just inquiring what the sign was for.

Mr. Leonard asked if this is for another two-year period.

Mrs. Gunter stated she is proposing ten years. She stated her office has had no complaints on them for the previous two-year period.

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

Petition: Renewal of a Special Use Permit for the operation of a construction business in (RE-5) Single Family Estate Zoning.

Parcel Number: 02-11-34-276-006

Location: This property is commonly known as 3415 Nevada Road in Blue Mound Township.

Acreage: 5.85 Acre

Zoning: RE-5 Single Family Estate Zoning

## Finding of Facts

- This is a renewal special use permit for the property.
- 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 is needed because this property is zoned RE-five Single Family Estate Zoning.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to the property or surrounding properties.

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 issues.

INGRESS & EGRESS: Adequate parking will be established for the property.

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

**STAFF RECOMMENDATION:** While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** with the following 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. Employees shall be limited to two employees other than the owner.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.

4. 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.
5. The special use permit shall be for a 10 year period beginning August 9, 2018 and ending August 10, 2028.

Bill Koretke made the motion to approve the petition, seconded by Blake Noland. All members present voting, Aye. Motion carried (5-0).

Chair Lamont asked Mrs. Gunter if there is anything for next month.

Mrs. Gunter stated we have two applications.

ADJOURNMENT: Bill Koretke made the motion to adjourn; Blake Noland seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:47 A.M.

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