

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – August 1, 2018

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Andy Freeland, Member
Blake Noland, Member

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

MINUTES

Dennis Hughes had a correction to mention. Page six under Mrs. Mabry’s testimony, 9th line. He stated it should read, “she stated she certainly would not.” The word “not” was left out.

Bill Koretke made the motion to approve, as corrected, the July 11, 2018 minutes, seconded by Ed Leonard. All members present answering, Aye. Motion Carried (4-0).

OLD BUSINESS:

- 4.1 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

Mrs. Gunter stated the chairman is waiting to take this petition to EEHW in September. She stated they are going on a tour today of the model compost facility in Urbana.

- 4.2 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

Mrs. Gunter stated Zoning Board of Appeals approved this July 11, 2018, EEHW approved July 26, 2018 and it goes to full County Board on August 9, 2018.

NEW BUSINESS:

- 5.1 S-01-08-18 a petition filed by Mark Highcock requesting the renewal of a Special Use Permit to allow the operation of the sale and transfer of firearms business in (R-1) Single Family Residential Zoning. The property is commonly known as 4666 E. Fitzgerald Road, Decatur, IL 62521
PIN 09-13-29-276-001.

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

Rick Highcock
4666 E Fitzgerald Rd
Decatur, IL 62521

Mr. Highcock stated he is representing his son Mark today.

Mr. Highcock stated they are mostly doing internet sales. Over the first part of this year, they have only had 53 transactions total. He does not know what happened the first time he petitioned, however, they have not increased the road traffic, which he knows was a concern at one time. He does not know why it would not be renewed.

Mr. Koretke asked how many trucks per week. Plus they have deliveries also.

Mr. Highcock stated it is UPS, FedEx, or Speedy, they are up and down that road every day.

Mr. Koretke stated that would come out to seven per month.

Mr. Highcock stated 53 is what he has done total this year and that is not...sometimes there is more than one in that 53, he might get 3 deliveries in one day. It is not 53 individual deliveries in a 7 month period.

Mr. Koretke stated he lives on a rural road also and he sees FedEx and UPS come by every day. It is not like they are just serving Mr. Highcock.

Mr. Highcock stated correct, they are up and down his road every day.

Mr. Koretke asked how the internet sales are done.

Mr. Highcock stated this is for his son who was transferred to Arizona with Caterpillar. He stated his son has two FFL's, one is with him and one is with Arizona. He stated his son does all of that from his house in Arizona. If somebody buys a gun from his son and they happen to be from Macon County, then the gun is shipped to him and he fills out the paperwork, does the

background checks and then transfers the gun to the customer. If it is somebody from down in Arizona, then his son takes care of that. He stated he just takes care of the ones here in Macon County. Basically, they are old customers of his son's that he has had in the past, he has been doing this for five or six years.

Mr. Koretke stated he got the impression they were selling other things online.

Mr. Highcock stated no, his son takes care of all the online sales and everything.

Mr. Koretke asked if it was holsters or something like that.

Mr. Highcock stated those could be shipped directly to the customer's house. The only thing he has to deal with are the firearms that require a background check and a one day or three day waiting period.

Chair Lamont asked Mrs. Gunter if she has received any complaints on this.

Mrs. Gunter stated no she has not.

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

Petition: For a renewal of a Special Use permit to allow the operation of the sale and transfer of firearms business in (R-1) Single Family Residential Zoning.

Parcel Number: 09-13-29-276-001

Location: This property is commonly known as 4666 E. Fitzgerald Road in Long Creek Township.

Acreage: 5 Acres

Zoning: R-1 Single Family Residential

Finding of Facts

- This is a renewal of an existing special use.
- 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 R-1 Single Family Residential.
- The special use permit is also required by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) as a prerequisite for approval of the Federal Firearms License which is federal regulations.

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:

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 Mr. Highcock only and immediate family on the property.
3. No advertising sign shall be on the property in relation to the business.
4. No firing of firearms related to the business.
5. 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.
6. The special use permit shall be for a 10 year period beginning September 13, 2018 and ending September 14, 2028.

Mr. Leonard asked if the stipulations are the same as the original special use petition.

Mrs. Gunter stated yes, the only thing that was changed was the time limit. Instead of two years, she gave them ten years.

Mr. Leonard asked so the two-year one just expired.

Mrs. Gunter stated that is correct.

Bill Koretke made the motion to approve the petition, seconded by Ed Leonard. All members present voting, Aye. Motion carried (4-0).

- 5.2** S-02-08-18 a petition filed by Great Lakes Dredge & Dock Company/ Steve Gensler (owner) requesting a Special Use Permit for use as a temporary contractor's yard in (R-1) Single Family Residential Zoning. The property is located in Whitmore Township on Birch Church Road. PIN 18-08-28-226-001.

Joe Fevar
Great Lakes Dredge & Dock Company
Birch Church Road

Mr. Fevar stated they are asking for is another special use permit because the property has been sold. He stated they would just like to extend the special use permit they already had for one more year. He stated they should be out of there by this time next year, if not before.

Chair Lamont asked Mr. Fevar to point the property out on the map.

Mr. Fevar stated what they basically are doing, the dredging company, they started down by the dam when they started dredging which is basin one all the way up to Big Creek. He stated they have to lay twenty-inch steel pipe and it has to run from the dredge itself to a booster, a booster then another to another and then out to the Oakley basin where they are dumping it. He stated that pipe, now that they have gotten out of basin one and two, is sitting on the bottom and they need to get it out. The city wants it out and he understands that. He stated they float it up to the site (Birch Church Road) and then cut it into fifty foot sections. They are doing the reverse of what they did two years ago when they put it together. He stated it came in, they took it off, welded it together and then floated it. Now they are bringing it back to the site, taking it apart and putting it on semis and hauling it away. Basically cleaning out the lake and getting rid of it.

Mr. Koretke is the dredging is complete now.

Mr. Fevar stated no, but as they move north towards the mouth of the Sangamon, that pipe is basically being abandoned and they do not need it anymore, their distance is becoming shorter and shorter to the Oakley basin so they just drop it. They put caps on both ends and they sink it. What would have been 8' of water, possible 6' is now 16' and 18' foot, so it has no hazards,

and then when they float it back up, they just push air to it, pump the water out, it floats, they drag it up on land and cut it up.

Mr. Leonard asked the size of the pipe.

Mr. Fevar stated twenty inch.

Mr. Koretke asked how much activity is going on right now.

Mr. Fevar stated right now there is about five thousand feet of pipe strung up the driveway and by the shore...

Mr. Koretke asked if there is a work crew there daily cutting the pipe.

Mr. Fevar stated yes, from 6 am to 6 pm weather permitting. If it is raining, they can not cut that stuff up. He stated they will have either cutting torches being used and or they have a fancy saw that would cut it.

Chair Lamont asked if he was about 99% sure they would be done by this time next year.

Mr. Fevar stated with the pipe, yes, easily.

Chair Lamont asked if they would be done with the site at that time.

Mr. Fevar stated yes with that site. He is hoping six months but if he says six months and it lasts nine months, he would rather say twelve months and that way they can get it done earlier.

Chair Lamont asked if anyone had questions for Mr. Fevar.

Joe Conway
4202 Graces Lane
Decatur, IL

Mr. Conway stated he is concerned with the load limits on the road as far as hauling the semis, dozers coming in and out. Also fire protection, he know it is not really a problem right now because we have had a lot of rain but he wants to make sure there are no grass fires or anything like that in the process of cutting all of this pipe up. He stated he also wants to make sure the road is not damaged.

Mr. Fevar stated their company policy is there will be a fire extinguisher within ten feet of any hot work that is going on. There are multiple fire extinguishers out there, the men have been trained by the Decatur Fire Department on how to use the extinguishers. He stated there should not be a problem there. He stated they are trying to keep the grass cut as short as possible to reduce any type of fires. He stated they cut all of the front entrance back and they did that all the way down.

Mr. Koretke asked what kind of equipment they have on the site, there was mention of bulldozers.

Mr. Fevar stated yes, there is a bulldozer there and an in loader. The in loader, they take the bucket off and put forks on, the bulldozer, they hook the end of the pipe, take it off of the tugboat that pulled it up there and then the bulldozer pulls it up onto land. The loader then rolls it so they can cut it all around.

Mr. Koretke asked how wide the gravel lane is.

Mr. Fevar stated an easy twenty feet.

Mr. Koretke asked if they are cutting on the gravel.

Mr. Fevar stated yes. The pipe goes up into the gravel and you can still drive by it easily. There is plenty of room.

Mr. Leonard asked who owns the property.

Mr. Fevar stated Mr. Gensler owns the property.

Mr. Leonard asked Mr. Fevar if they are leasing from Mr. Gensler.

Mr. Fevar stated yes.

Mr. Leonard asked if the reason for coming back here now is because of change in ownership.

Mr. Fevar stated yes, Mr. Gensler purchased it from the previous owner.

Mr. Leonard asked if there was any relation to the previous owner, was this a clean sale.

Steve Gensler
6965 Angela Drive
Decatur, IL

Mr. Gensler stated he is the owner of the property and his only reason for coming today was that he didn't want this project that they have going on with dredging the lake because it has been a great thing for the City of Decatur. He did not want them to have to find somewhere else to do it so he immediately agreed to doing the same thing and coming here to say he is doing his part to make the community much better with the water source that we have.

Mr. Koretke asked Mr. Gensler when he took ownership of the property.

Mr. Gensler stated about four weeks ago. He stated he owns the property next to this also.

Mr. Leonard asked him to point that out on the map.

Betty Lane
4605 Birch Church
Decatur, IL

Mrs. Lane stated she lives right across the street from the site driveway and her only concern is that before, when they came in, they had all the traffic, the semis were actually backed up trying to get in there and there were times she could not get out of her driveway because of the backup. She stated they did widen the driveway a little bit to give them a little better access but they were coming across the road into the ditch that she mows. She stated it was just muddying that up and she could not mow. She stated that is her only concern, how much more traffic will it be. She stated it sounds like they are about ready to wrap it up, it should not be much more than what it was putting it in there.

Mr. Koretke asked how many semis was it at one time.

Ms. Lane stated at one time, and she thinks the main thing was they could not get turned in there, they had three semis backed up. She said she thinks they thought they could get them all in there, and they could not do it.

Mr. Koretke asked if the semis were sitting on...

Ms. Lane stated they were sitting spaced out and it was just the point she could not get out.

Mr. Koretke asked Mr. Fevar if they come in from the North or the South.

Mr. Fevar stated the South.

Ms. Lane stated that was the only concern, and also the noise they bring in. She did have trouble with that before so she wanted to bring it up again.

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

Petition: Special Use Permit for the use of a temporary contractor's yard in (R-1) Single Family Residential Zoning.

Parcel Number: 18-08-28-226-001

Location: This property is commonly located on Birch Church Road in Whitmore Township.

Acreage: 4.97 Acres

Zoning: R-1 Single Family Residential

Finding of Facts

- This is for a temporary staging area for securing dredge pipe for Great Lakes Dredging Company, which is employed by City of Decatur for Lake Decatur Dredging.
- On June 9, 2016, a Special Use Permit was issued to Paul Gross for a temporary contractor's yard. A new Special Use Permit is needed because of a new owner of 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 R-1 Single Family Residential.

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 could increase truck traffic delivering and hauling equipment to the site and 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: No change will occur.

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. The special use permit shall be for a 2 year period beginning September 13, 2018 and ending December 31, 2020.

Mrs. Gunter stated the reason she gave them two years is because she talked to the City of Decatur, Joe Nihiser who is in charge of this, and weather permitting etc. she does not want them to have to come back and do this again. She stated they say a year or eighteen months, let's just give it a little bit longer in case something else happens. That way they will not have to waste more money coming back.

Mr. Koretke asked if they were stipulating hours of operation.

Mrs. Gunter stated no, they did not on the last one either.

Chair Lamont asked Mrs. Gunter if Mr. Nihiser from the City was pretty sure it would be finished within two years.

Mrs. Gunter stated yes.

Chair Lamont stated she does not want them to have to come back either.

Mrs. Gunter stated we just give them a little extra time in case of a wet fall season or whatever.

Mr. Conway stated thought the hours on the previous petition was 6 am to 6 pm.

Mrs. Gunter stated no, there was no stipulation for hours.

Mr. Fevar stated they do not work nights.

Mr. Conway asked if they could get that in writing.

Mr. Fevar stated they do not have the lighting to work at night.

There was a conversation going on between the Conway's and Mr. Fevar. Chair Lamont advised that if they wanted to speak they needed to come up to the podium where they could be heard.

Mr. Fevar stated they work until the lake freezes over. Even though the lake is froze over, and it is usually the end of December it freezes to where they cannot go across it anymore, that work will not stop. It has nothing to do with the dredging itself. That pipe has to be cut up and hauled out of here just to get it out of the lake and off-site. He stated they do not need it so they are sending it to another job site down in Louisiana. He stated semi wise; someone asked about weights and limits, they cannot go over the limits. They will not be wide loads, extra-long loads, if the trailer is forty feet long, the pipes will be cut forty feet long.

Mr. Conway asked if the pipe would be flushed or capped or anything.

Mr. Fevar stated yes, they are flushed out.

Mr. Conway asked so there will not be a trail of sludge up and down the roadway.

Mr. Fevar stated no. He said they have to be flushed before they can float them. They are flushed prior to being sunk, capped on both ends, they blow them out with air so that they float and they are cleaned 99%.

Mr. Koretke asked how many truckloads of pipe. He said Mr. Fevar stated they are doing this as they go along so it is not like they are stock piling the pipe there.

Mr. Fevar stated no, they do not have the room for that so that is why they have pipe floating; there is not enough room to put it all up on the ground. He stated another thing, because of the hill; everything runs back down into the bottom into the lake again, if there is anything in it.

Mr. Koretke asked two to three semis on any one day.

Mr. Fevar stated possibly. The scheduling of the semis, they will try to schedule them one in the morning and one in the afternoon. It take time to load them and that is the plan. He stated if you have ever dealt with semi drivers, they are all contractors. The dredging company does not own the semis. They call a source and they say yes we will send you trucks, and they just show up. If they are supposed to be there at 10:00, it might be 10:00 at night not 10:00 in the morning, that type of thing. He stated they tell them to go to pilot and park and they will see them in the morning. Most of the semis go to pilot and they have to be escorted in, unless it is their second trip, because they have no idea how to get to the site.

Mr. Koretke stated he toured the site and that was his question, how do they get in and out with a semi.

Mr. Fevar stated they use Pilot as a staging area basically. It is easier and designed for semis.

Mr. Koretke stated that is a great idea.

Bill Koretke made the motion to approve the petition, seconded by Dennis Hughes. All members present voting, Aye. Motion carried (4-0).

Chair Lamont asked for citizen remarks. There were none.

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

Mrs. Gunter stated we have two solar farms and possibly a third one and maybe one other petition.

Mr. Leonard made the remark there are many solar farms and asked if they are all in the same area.

Mrs. Gunter stated there are a lot more coming and they are spread out right now.

ADJOURNMENT: Dennis Hughes made the motion to adjourn; Bill Koretke seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 8:57 A.M.

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