

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – MAY 4, 2016

MEMBERS PRESENT

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

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

Andy Freeland
Blake Noland
Ed Leonard, Alternate Member

MINUTES

Donald Wilson made the motion to approve the April 6, 2016 minutes, seconded by Bill Koretke. All members present answering, Aye. Motion Carried (4-0).

OLD BUSINESS:

- 4.1** S-01-04-16 a petition filed by Anita & John Szajko requesting a Special Use Permit for the operation of a licensed firearms shop in an accessory building on the property zoned (R-1) Single Family Residential.

Ms. Hoffman stated this was passed by ZBA on April 6, 2016, EEHW on April 21, 2016 and it goes to the full county board on May 12, 2016.

- 4.2** R-02-04-16 a petition filed by Jeanette and Travis Peden, and Charles Yokley for rezoning approximately 10 acres from (A-1) Agricultural Zoning to (RE-5) Single Family Estate Zoning.

Ms. Hoffman stated this was passed by ZBA on April 6, 2016, EEHW on April 21, 2016 and it goes to the County Board on May 12, 2016.

Chair Lamont stated that she wanted to let the members know that she would be abstaining from the vote today on Topflight.

Bill Koretke asked if we had a quorum. Jennifer Hoffman stated we do not have a quorum if Chair Lamont abstains. Bill Koretke asked Chair Lamont what her reason for abstaining was. Chair Lamont stated she is a stockholder. Bill Koretke asked if that was enough. Jennifer Hoffman stated she isn't sure. Chair Lamont stated she didn't know. Chair Lamont just wanted to disclose, and not hide the fact. Jennifer Hoffman and Bill Koretke stated to just disclose it, and then go ahead and vote.

Scott Docherty
General Manager for Topflight Grain Cooperative

Mr. Docherty stated that in these matters before in other counties, this comes up frequently because we have a large stockholder base within our trade territory of 2800 stockholders and we have not run into any conflicts with stockholders voting in these matters before. In fact, we've had stockholders and farmers that are using the facilities that sat on these county boards or zoning boards before and we have not run into any conflicts of interest with that. He asked Chair Lamont if she is a current user of the facility; does she deliver grain to that facility. Chair Lamont stated yes.

Bill Koretke stated that Tracy is taking all of this down, so Mr. Docherty needs to be sworn in.

At this time, Chair Lamont asked everyone that wished to speak at any of the hearings, to please stand so she could swear them all in at once.

Donald Wilson made a motion to allow Chair Lamont to vote. Chair Lamont asked if they needed to do that. Jennifer Hoffman stated no because it's not their decision, and to go ahead with the order.

NEW BUSINESS:

- 5.1** V-01-05-16 a variance petition filed by Topflight Grain Cooperative Inc. requesting for a rear setback to be changed from fifty (50) feet to thirty-one (31) feet in (A-1) Agriculture Zoning.

Petitioner: Scott Docherty
General Manager Topflight Grain Coop.
420 W Marion St.
Monticello, IL

Mr. Docherty stated he is here to answer any questions that the zoning board may have on their application for variance, he stated that the outline on the map is of their Emery facility which is just south of Maroa and north of Forsyth. The proposed tank, we are asking a variance of 31 feet from 50 feet, it is on the south end of the property line (he points the area out on the map) the little jog out is 31' on the south end, that is why we need the variance of the 19 feet. Otherwise we would meet the requirement on the south property. The goal here is to try to eliminate our temporary emergency storage. We currently have a temporary storage facility which is the bunker to the west and we are trying to put all the grain under a permanent roof. Two years ago we actually had to put corn out on the ground uncovered without a tarp until we could pick it back up before the rain and the snow came in later that year. That's the goal and right now we have a proposal to put up a 105' tank that would hold about 700,000 bushels which is very close to what the bunker currently holds to the west. So again, that's the reasoning behind the proposal and why we need the variance.

Mr. Koretke asked what are their current tanks; how high are they.

Mr. Docherty stated that the current tanks are 94 feet at the eave and at the peak of the tank it would be approximately 125 feet. That matches the current tanks that we have there. As you are driving down Route 51, it would be the same height as the current tanks that you see there at that facility.

Mr. Koretke asks if they are currently in compliance on their variance for their temporary pile, it looks like you are on your neighbors to the west property.

Mr. Docherty stated that the lines on the map are a little bit off. He stated that their property comes all the way up to the United Prairie property and then we also have this area in the yellow to the east also. He thinks that is how Google maps show that picture. Ms. Hoffman stated that they are working on combining all those parcels to get it cleaned up. Mr. Docherty stated that as far as he knows, they are within their property lines and they have been surveyed and pins have been marked.

Chair Lamont asked if there were any more questions to which there were none.

Chair Lamont called on Ms. Hoffman for finding of facts/recommendation.

Petition: For a Variance requesting rear setback to be changed from fifty (50) feet to thirty-one (31) feet in (A-1) Agriculture Zoning.

Parcel Number: 10-02-35-100-013

Location: This property is commonly known as 593 Emery Road in Maroa Township.

Zoning: A-1 Agriculture

Finding of Facts

- Petitioner wants to build another grain bin on the property for commercial storage.
- The variance is needed to allow the rear setback to be changed from fifty (50) feet to thirty-one (31) feet. Under the Macon County Zoning Ordinance, Section 155.183 states the rear setback is 50 feet in for Agriculture zoning.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Correct, it will stay the same as 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 a variance to change the rear setback from fifty (50) feet to thirty-one (31) feet in (A-1) Agriculture Zoning.

Donald Wilson made the motion to approve the petition and seconded by Bill Koretke. All members present voting Aye. Motion carried (4-0)

5.2 S-02-05-16 a special use permit filed by Paul Gross requesting for the use of a temporary contractor's yard in (R-1) Single Family Residential zoning.

Chair Lamont asks Mr. Cantwell if he was sworn in. He stated he was not. At this time, Chair Lamont swore Mr. Cantwell in.

Tim Cantwell/Superintendent
Great Lakes Dredge and Dock
Current residency is Lake Zurich, IL

Mr. Cantwell stated that he is three weeks on, one week off so he is staying here locally as well. He stated that they are currently in the process of, as you know, dredging Lake Decatur. From time to time when they change stages, they are up in Big Creek right now. Shortly they will be done with that in about 60 days, we will be going into Sand Creek. We have a poly pipe that the material is discharged through. It comes in on flat beds and at times; week, ten days, there are activities going on where the pipe is fused together in 1000 feet sections and then towed out into the lake and attached to the dredge for changing different areas of the dredge location. He stated they leased this with the idea that the road that is there is extremely long, it drops down to a nice plateau and they can bring the semis in, take the material off, fuse it together in 1000 foot sections and then tow it out to the lake. There is very little area that is not already developed around the lake edge that they can do that. They have re-coated the road with some gravel. During the transition between the frost and finally drying out, if it ever does, there were a bunch of wheel ruts left up at the road that they are currently filling and they are going to re-landscape the whole entire front of the property into black dirt and seed so that it's not unsightly. Most of the activities will be taking place down at the bottom of the hill. It would only be approximately three weeks when they go to bring in 3,000 feet. The trucks come right off of I-72 and right in; they are unloaded within a matter of an hour or so. You can put about 600 feet on one semi, we have been spacing them out so we get one or two trucks per day and we don't have anybody waiting. One or two trucks of material will keep them busy for 3 or 4 days of activities fusing them together. And then there are going to be other times when it's going to sit

for 4 to 6 months before anything else happens. Once they get up into Sand Creek, there might be a week to ten days of the pipe going back out again. There is a different size pipe that they don't need so they will cut it apart, band it, pallets, they will get some semis in and load them up and truck it out. And that's basically what they are doing. Mr. Cantwell stated they are real mindful. They are trying to keep the roads clean. They put extra gravel on the road going down. If it ever stops raining they will be in there to seed the front half of the lot again. When they originally were in there in March, adjacent to each side of the road, there were some tractor ruts and that type of thing.

Mr. Koretke asked how many years.

Mr. Cantwell stated it is tough to predict. Once they get up into Sand Creek they will be there for this season and most of next season, so there will be very little activity out there. The project is supposed to finish in the fall 2018. Do they need to be having activities at that site the whole time.....no. Once they go over to Sand creek, they are going to lay 3,000 feet of poly pipe across the bottom of it so that would be about 2 – 3 weeks of activities, and then nothing will happen. Once they finish Big Creek, there might be about 10 days' worth of activities taking some of that pipe off site because they are 1000 foot sections. They will pull them up, cut them apart, band them and get them out of there. Then over the winter into the spring, probably no activity whatsoever. Once they finish Big Creek they are going to move into basin 2. There might be some pipe removed from the site, but nothing coming back in again.

Mr. Koretke asked if they had porta potties and that kind of stuff out there.

Mr. Cantwell stated at the bottom of the hill they have a porta potty and a temporary rental conex box where they are trying to keep all of the materials locked inside the box.

Dennis Hughes asked if they would ever be anchoring their dredge or other things there on the shore.

Mr. Cantwell stated no, there is occasion, and they have lights on them, they put the steel in the water earlier this year and they have flashing yellow lights, it's just tied to the shore just overnight. It takes, I'm going to go out on a limb here, at least 6 – 8 hours for the tugboat to pull that all the way down to Basin 1, so if it's late in the evening, now we have more daylight, but if it's late in the evening we have to give the village, I'm sorry, the City 24 hours' notice that we're going to be towing a piece of pipe and then they have safety boats and everything behind it. So if something is tied up there, it would be just overnight and then it would be out of there the next morning. There is additional work at the lower part of this basin. Reas Bridge, just this side of it, there is like 300,000 cubic yards that have to come out of there at the end of the project for a silt trap/sediment trap. I don't foresee them staging at that location with the boats and the cars. We have a facility right now off Lost Bridge, you've probably seen it, and we are bound and determined to keep everything clean and neat. That's part of our company's requirements. It's just that sight is so narrow; there is just no way to assemble 1000 feet of pipe.

Ms. Hoffman stated you talked about the length of the project. Don't you guys from the time now to end of the whole dredging project, isn't it like 8 years still or not.

Mr. Cantwell stated no. You should talk to my boss. He stated it was a 5 year program; his project manager is trying to accelerate it. The first year is gone. They were originally planning to have Sand Creek a whole separate season, but we're in the process of doing that now and that's what some of the piping is going to be. When the water was down over the winter they brought two smaller dredges. They have already installed two 12" dredges in and installed them in Sand Creek. They're waiting there and once they finish Big Creek, all three dredges will be running at the same time so they are hoping to knock a year off of that. He is saying the dredging will be done the fall of 2018 and then demobilization/clean up probably be the next spring. That's what they are telling them. He stated it was originally scheduled for 5 years and we're done with 1 year already. He stated weather doesn't affect them too much.

Chair Lamont asks if there are any questions. She proceeded to swear in anyone else who wished to speak.

Betty Lane
4605 Birch Church
Decatur, IL

Ms. Lane stated that she is right across from all this area. She stated that her biggest question is....they've done a lot of this, what they've already done and not been zoned and she has been unable to come out of her driveway twice through this. Once when the pipes were getting there and they had a little trouble getting in the lane, and again recently when they took the bulldozer out of there. The guy pulled up right in front of the driveway, not knowing she was home, and he tied up the bulldozer so she just waited while all of this was going on. They've already brought in this pipe, welded it, and had it all the way up to the end. It sat there for I don't know, weeks. I was dealing with my mom's health and I called just to try and find out what's going on because I had heard all types of stories; you know what's going to happen, they're going to bring dump trucks, and they're going to bring the soot and they're going to be coming in and out of that. So my question was, how long is it going to be. They have been doing some work yesterday over there and trying to get some dirt in. But on my side where they've come out of their driveway unable to make the turn, there's ruts where I try to mow, and I know that's not my area to mow but I do mow that and there's ruts right there. So, my biggest thing was there are zones, and I thought that should have been here before all of that got started.

Ms. Hoffman stated yes, and she can answer that. She didn't know anything was going on, she received a call from a neighbor and that's when this all started.

Ms. Lane stated that was probably her because she called not knowing what was going on.

Ms. Hoffman stated when Ms. Lane sparked the phone call; she didn't know anything was going on out there. When you called, she did call the city and they were out there the next day.

Ms. Lane stated yes, once she made contact, it did go on but the thing was, why was that happening without the permit, without all of that, because they surely know all this stuff needs to be done and she knows Paul can lease that to whoever he wants .

Ms. Hoffman stated that she thinks there was a miscommunication between Great Lakes and Paul. Her understanding was that they had asked him if it was ok and whatever, so you know we are here today. Wish it would have been sooner too, but I'm complaint driven and when you called that's what sparked the complaint and I noticed what was going on.

Ms. Lane stated that they've already done what they want to do other than a little bit here and there. They've already done all that so me coming here was almost like what's the use because it's already been done.

Ms. Hoffman stated that for right now we are applying for the special use for them to get to continue to do it. We didn't know it was going on.

Ms. Lane stated that she talked to another gentleman and he said they were supposed to halt what they were doing and she knows there is activity going on. They've put up some fence post back there, they were supposedly told to lock down their premises. So people can't get back there, I understand that part but that's going on since all of this stuff.

Mr. Koretke asks is your complaint or your problem that the road width and the entryway is not wide enough that they're actually going out.

Ms. Lane stated that they most definitely have. It must be the one driver that couldn't get out, but there's ruts now where I try to mow and I'm just trying to mow around it.

Mr. Koretke asks so they are coming out onto the shoulder.

Ms. Lane stated they are coming across the road as they're trying to turn.

Mr. Koretke stated he didn't go out to the sight.

Ms. Lane stated the road itself, there's not enough room with those big tractors and semis coming up and a trailer if they turn to soon then they are in a ditch.

Mr. Koretke stated his point is the solution is the culvert, the entryway, has to be wider for them to swing out. He asked if it was not wide enough for them.

Ms. Lane stated evidently not, she doesn't guess so. She stated maybe it's just the one or two drivers

Mr. Wilson stated it's a sharp turn.

Chair Lamont stated it is a real sharp turn.

Mr. Cantwell stated that they can take care of that. They have a landscaper on the contract right now. He should've been putting in some black dirt.

Ms. Lane stated she seen that yesterday. But that didn't deal with.....

Mr. Cantwell stated this spring has been incredibly wet so as soon as it dries up a little, all of that will be repaired and we did put gravel down and thought the width was sufficient but if you have a width on the culvert pipe that it needs to be, we can add to that. It's not a problem.

Mr. Koretke stated we would have to set recommendations that way if that's a real problem.

Ms. Hoffman stated that's a road commissioner deal, that's not ours.

Mr. Koretke asked and he's not here.

Ms. Hoffman stated she has never heard from the road commissioner on any of this, they were notified that there was a hearing.

Chair Lamont stated she talked to him the other day and he had no problem.

Mr. Cantwell stated the other thing is, they can get some advance warning, where we had that one truck driver that might not be able to make that turn.

Mr. Koretke asked if that's a gravel approach.

Mr. Cantwell stated yes.

Mr. Koretke stated once you're off Birch Rd....

Mr. Cantwell stated yes it's all gravel.

Mr. Koretke asked how badly is it rutted right now.

Mr. Cantwell stated its tractor/truck ruts. The big ruts were from the tractor unloading the pipe in the transition from the frost and they filled those in. It would be in the shoulder, he's not exactly sure of the width or the depth, he didn't get stuck. But like the lady is saying, couldn't make the turn so probably used some of the grass.

Mr. Koretke asked if it would be too much of a limit if we said they can't buckle down their loads out on Birch Road. They have to do it before they leave.

Mr. Cantwell stated they can take care of that just through oversight, through having a manager out there. He believes that it was probably so wet, that he loaded on the edge of the road and then tied down in the street.

Mr. Koretke stated but they are not bringing equipment out on the road to load it.

Mr. Cantwell stated no.

Ms. Lane stated no he had the equipment on he just pulled up there to buckle.

Mr. Koretke asked so this is not an everyday occurrence.

Ms. Lane state no, but it has happened twice since it started and the one time for sure there was no way she could have gotten out. Her biggest thing was what was already done, maybe there's going to be some more welding of the pipes that's going to get drug. But you know for months I heard all the pre-getting all ready, the backhoes, and all that stuff. Like I said, something's happening over here and you hear all types of rumors.

Chair Lamont asks if there are any more questions or comments. She proceeded to swear in anyone else who wished to speak.

Terry Brown
4480 Birch Church Rd
Decatur, IL

Mr. Brown stated that he took an opportunity yesterday to drive down to where this is all taking place. He thinks it was fairly factual when it was stated there was some ruts in the road but it was also evident that they have put some gravel down. His biggest concern is that right now there are some pipes that are down there and I wonder what is going to happen to them. I really don't have any concerns at all about the process that's taking place there and I realize it's been taking place for a while. If you will notice on the map, my property down by the lake has a view of that property so I can see what's going on. My biggest concern is that whenever they leave, they make certain that everything is cleaned up real well and I think he's kind of addressed that. My other thought is that by them dredging the lake that it is probably helping the value of my property since it borders that lake and so if it is cleaned up properly then I really have no problem with that.

Nancy Conway
4580 Birch Church Rd
Decatur, IL

Ms. Conway stated that they look right down on what's going on. We can see the whole process coming and going. I have a concern that Paul used to keep this driveway gated, now there are no gates that go clear down below. We have seen people down there, it wasn't you particularly Terry, but there has been trucks in and out, pickup trucks on the weekends, there has been people down there fishing and I don't know if this is some of the people that work on the project.....

Mr. Cantwell stated not fishing, better not be. He stated that they did install a set of gates and one of the trucks nipped one of the gates and knocked it over and it was restored recently. They should be closed and locked and we will check on that. As the property narrows down to where the concrete is stored we have a set of farm gates there with a chain on them just for that reason. Unfortunately, there's a whole bunch of different ways to get down there. You can go to the next driveway; I believe that is also Paul's property....

Ms. Conway stated that's gated though, everything is gated and locked if you know Paul and this property was, but since the process or project has started, it's been open and we have lived there for over 40 years and my only concern is safety because my husband is blind. We're not spring chickens anymore and it's just one of those things for security reasons that we have seen people in and out and it's kind of a fear for us.

Mr. Cantwell stated they could check on it. The gates were installed the first day we were there to put the gravel on the driveway and all the way down to the bottom. One of the semis leaving knocked the gate over and it should have been almost 2 – 3 weeks ago that post was replaced and those gates were locked again so I can go check that.

Ms. Conway stated she seen the post there, the gates are laying up on the concrete. And also along with Betty, they have come out and made tracks in our property that I mow and that would be on as you're coming out or going in, it's on the south side of their driveway so it's a little rough.

Mr. Cantwell stated that if they need to put another culvert in there they can get with the highway department and see what they want to do.

Mr. Koretke asked if they have signage, is there a phone number for the neighbors to call if there's.....

Mr. Cantwell stated he could give them cards today; he could certainly put a sign up there.

Mr. Koretke asked but there is no one on site 24/7?

Mr. Cantwell stated no.

Mr. Koretke stated the only temporary you have is just for daytime use.

Mr. Cantwell stated yes.

Ms. Lane asked for daytime use only, because I know within the last 3 weeks there's been four wheelers down there, dirt bike, there's more activity going on in the last 3 weeks than traffic in and out, trucks, I don't know who they are.

Mr. Cantwell stated he can make sure the gates are closed and locked at all times. He is a little concerned that they are up and they are not locked, because they are supposed to be.

Ms. Lane stated that it is for sale, and she doesn't know if it's someone going down to see what the land is, because Paul has been trying to sell that. But there is traffic coming and going out there.

Mr. Cantwell we do check on it so if you see pickups out there during the day, it's probably us.

Ms. Conway stated that most of yours are white aren't they?

Mr. Cantwell stated they are white, black and then we have a couple of blue ones. Mostly black now that they are starting to phase out the white.

Ms. Conway stated ok, their concern was safety.

Ms. Lane stated that she agrees that Lake Decatur needs the dredge; she just thinks that the whole thing went in the wrong order than it should've been and when you don't know the information and go by what you hear, and then you try to find the information.

Chair Lamont stated she understands and she has another question for Mr. Cantwell. She stated that she drove all the way down to the lake, but down there right about where that bend is, that other little road that comes off of there, so are you using that property there.

Mr. Cantwell stated the gate should be right here, and it should be closed and locked. He is going to get on that as soon as he leaves here. He specifies on the map the property they are using.

Chair Lamont stated but where that little road comes to it, the one that Y's up there....

Can you put something across that little....

Mr. Cantwell stated yes.

Chair Lamont stated that might alleviate some of the people that are trying just to....

Mr. Cantwell stated that where this other barn is up here, I never saw a gate in there at all or even a cable, maybe he's got something there that's on the ground but....

Chair Lamont stated this might be a little added safety for those concerned.

Mr. Cantwell stated we can put a gate in there, we can also check if his cable has fallen down we can put some clamps on it. When we were working we've had people come down from that side too and we kind of chased them out.

Chair Lamont stated it protects you from getting your equipment.....Mr. Cantwell stated yes that too.

Mr. Koretke asked if they have people on the property on the weekends, he asked if this is when most of the people are seeing what's called trespassers.

Ms. Lane stated no, not necessarily.

Mr. Cantwell stated they are 24 hours 7 days but they've only gone out there a couple of times in the last two weeks, put the posts in and were supposed to put the gates on it and I will find out what happened there. They have met with the landscaper a couple of times to get the black dirt

put into the ruts and of course it's too wet to seed and grade it out, but they are waiting on that.

They've gone down to check the conex boxes, he doesn't know if the gentleman went down to service the porta potty or not, but they are usually with them or one of their people. There are 2 foremen and they will go down from time to time to check it. It disturbs him that the gates aren't closed.

Mr. Koretke asked if the north end of the Conway property is fenced.

Mr. Cantwell stated he doesn't think so.

Chair Lamont stated there is no fence.

Mr. Koretke asked there is no clear boundary.

Ms. Conway stated that Paul had that surveyed at one time and there were stakes there, now they're laying there.

Mr. Koretke asked if they are getting on to you or rutting you.

Ms. Conway stated they haven't, they could, the only place they are getting on to us is out at the road. Like Betty said, they cannot make that turn onto Birch Church Rd, it's just too narrow.

Mr. Koretke asked they are bringing in 80 foot length pipe.

Mr. Cantwell stated 40 feet, but the semis are regular standard 50 foot semis.

Mr. Wilson asked if they could widen the approach to where they wouldn't have to get on other property.

Mr. Cantwell stated it's not a problem, we would probably have to check with the highway department, throw a culvert and a few loads of gravel in it and it's not a problem.

Chair Lamont called on Ms. Hoffman for finding of facts/recommendation.

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.
- 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 6 year period beginning June 9, 2016 and ending June 9, 2022

Chair Lamont asked for any questions.

Mr. Koretke stated he thinks it should be specified that there is a locked gate at the entrance with signage and a phone number for contacts, that's what normally goes on in a public...

Ms. Hoffman stated right, and she doesn't know if we have the ability to actually say that has to be in that special use permit, because it is also a lease between Paul Gross, I mean we can't tell everybody what to do on their property.

Mr. Koretke stated yes, but if there are problems down there, there's a phone number, I mean he's passed out business cards, but for anybody else, now that it's gotten nice they have trespassers. I just think the locked gate, I would even specify that they need security out there available. They are in the area over the weekend to be contacted and I would even recommend no trespassing signs and you would be prosecuted.

Ms. Hoffman stated that they would need to put that on there, we can't put that on a special use permit.

Mr. Koretke stated that is addressing Conway's concerns and maybe it's the road commissioner's call.

Ms. Hoffman stated yes, that's their right of way and that's their culvert so I can't do anything with that.

Mr. Koretke stated that Ms. Hoffman is saying there is no problem with ingress and egress, and it's obvious with the soft conditions they do have problems so they should contact the road commissioner and get an appropriate width of that entryway.

Ms. Hoffman stated yes.

Mr. Koretke stated he isn't liking what he is hearing.

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

Chair Lamont handed Mr. Cantwell the ZBA Process Letter, which explains the next steps that will be taken on this petition.

Mr. Cantwell stated that they have an office on Federal Parkway too and he can put that phone number and address in there too so if anybody has any concerns between 8:00 and 5:00 we have a site administrator that is there 5 days a week.

Chair Lamont asked Ms. Hoffman if there were any petitions for the next hearing to which she responded we have one variance for next month.

ADJOURNMENT: Donald Wilson made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 9:10 AM.

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