

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – JUNE 3, 2020

MEMBERS PRESENT

Barb Lamont, Chair
Ron Grider
Marcia Potrafka
Dennis Hughes, Alternate Member #2

COUNTY PERSONNEL PRESENT

Jennifer Gunter, Planning & Zoning Director
Tracy Sumpter, Planning & Zoning
Debra Kraft, County Board

MEMBERS NOT PRESENT DUE TO COVID 19 RULE OF 10 OR LESS PEOPLE

Adam Brown
Blake Noland
Ed Leonard, Alternate Member #1

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

MINUTES

Marcia Potrafka made the motion to approve March 4, 2020 minutes, seconded by Ron Grider. All members present answering, Aye. Motion Carried (4-0).

Jennifer Gunter stated she would like to thank everyone for being patient with us as we navigate through these difficult times of COVID 19. She understands it has been frustrating with the cancellations over the past couple of months. Per the Governor’s orders, we still have to practice social distancing and gathering of less than ten people within the room. We have divided the board room into two rooms so we can get a total of twenty people here. We have only called in four of our Zoning Board members to insure we have a quorum and to allow for more public to attend. The people in the other room are able to hear and see and if any of them would like to speak, they are able to. We will cycle people in and out to accommodate. She apologizes for any inconvenience but these rules are created for everyone’s safety. She asked for everyone to identify themselves in the microphone before speaking.

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

OLD BUSINESS:

- 4.1 V-01-03-20 a petition filed by Dustin Dalluge requesting a Variance to change the required front setback from 35 feet to 29 feet in (R-1) Single Family Residential Zoning. The property is commonly known as 1020 Rocket Drive, Mt Zion, IL 62549
PIN 12-17-03-232-010**

Mrs. Gunter stated Zoning Board of Appeals approved this petition March 4, 2020.

- 4.2 R-02-03-20 a petition filed by Evergreen FS, Inc. requesting to rezone approximately 6.00 acres from (A-1) Agricultural Zoning to (M-2) Heavy Industrial District Zoning. The property is commonly known as 389 E School Road, Maroa, IL 61756
PIN 10-02-23-100-008 (part of)**

Mrs. Gunter stated Zoning Board of Appeals approved this petition March 4, 2020, EEHW approved March 26, 2020 and it goes to full County Board April 9, 2020.

- 4.3 V-03-03-20 a petition filed by Topflight Grain Coop Inc. requesting a Variance to change the required side setback from 50 feet to 37 feet and the maximum height be changed from 35 feet to 155 feet in (A-1) Agricultural Zoning for the construction of a grain bin AND a variance to change the maximum height from 35 feet to 169 feet for the construction of two bean bins with legs. The property is commonly known as 594 Emery Road, Maroa, IL 61756
PIN 10-02-35-100-017**

Mrs. Gunter stated Zoning Board of Appeals approved this petition March 4, 2020.

NEW BUSINESS:

Jennifer Gunter stated before the hearings begin, Zoning Board of Appeals members are to look solely at the minimum lot size reduction and the use of the land. We are not here to determine any dispute, any design or engineering criteria. She stated if this is approved, the building permit will have to be issued and an engineered set of plans will be submitted to the County at that time. We require an engineered set of plans because the project is commercial and the County knows the design project is regulated by an engineer.

Chair Lamont reminded everyone of the five minute time limit for speaking.

- 5.1 V-01-04-20 a petition filed by Village of Forsyth requesting a Variance to change the required minimum lot size from 10 acres to 1 acre in (A-1) Agricultural Zoning. The property is commonly known as ½ mile north of the intersection of North Brush College at E School Road
PIN 10-03-17-300-003 (part of)**
- 5.2 S-02-04-20 a petition filed by Village of Forsyth requesting a Special Use Permit for a municipal well and associated apparatus in (A-1) Agricultural Zoning. The property is commonly known as ½ mile north of the intersection of North Brush College at E School Road**

PIN 10-03-17-300-003 (part of)

Matt Foster
Engineer, Chastain & Associates
Engineer for Village of Forsyth

Mr. Foster stated the Village has been looking for locations to develop a new well to add to their water system for quite a few years. They have an existing well on the corner of School Rd and Brush College Rd (he pointed this location out on the map), which is called “well #6”, and is their primary production well. They also have three other wells in production and they are looking to potentially decommission some of the other wells but they need to add a new well that has a greater production rate than what the existing wells have. He stated the Village serves, according to the last census, population of 3500 people, they also supply water to the Village of Oreana. They are serving a population of over 4000 Macon County Residents and trying to maintain their water supply is of great importance to them. He stated well #6 down at the corner, currently produces, it is rated at a 1000 GPM, all of their other wells are about half of that, so they have been looking to get closer into the Mahomet Aquifer. Looking to try and move north, of course the other issue with wells are willing property owners who are interested in selling a portion of their property in order for a well to be built. W & S Farms owns the parcel which is just short of 160 acres, the Village of Forsyth has executed an option agreement with them. They went through the initial steps of determining if this is a good location in terms of water quality, which they have gotten positive results. They have also received good reports regarding whether or not it will be of a similar production amount as well #6 and all indications look good at this point in time. They have proceeded with working through a subdivision and with working with Jennifer Gunter, they determined the lot size they need is 1 acre. That gives them more than enough room to place a well and any kind of associated features with that well. They have also filed for a Special Use permit which is required for wells in addition to the variance to reduce the required lot size from 10 acres to 1 acre. The primary reason for requesting just 1 acre is to limit the amount of farmland taken out of production for the property owner and it more than meets their need. He stated the other portion, they will be getting a permanent easement to run a raw water main from the existing well #6 site up to well #7 but that is all separate and has been worked out with the property owner at this point.

Dennis Hughes asked with the well #6, the existing well, have they noticed any neighboring properties complaining about their well draw down that they have had to go and fix or offer any remediation to.

Matt Foster stated the existing house has a well and if he understands, this was all done long before he was involved, but as he understands it, they drilled him a personal well so they could increase the depth. Since they were right on top of each other, there would not be a problem with that and that gentleman actually works for the Village of Forsyth so if there is a problem, he is certain somebody would have heard about it and that is the only well that he knows of within a specific area of influence for it.

Dennis Hughes asked what is the closest house to the new proposed site.

Matt Foster stated the closest house to the site is the same house where they have well #6 next to. He stated they are a ½ mile away, there are no houses within a ½ mile north, west or east. The next closest one is probably a good couple thousand more feet away and they are much further away with well #7 to that house than they are with well #6.

Debra Kraft asked if the current well is in the southwest corner, and where would the new well be.

Matt Foster pointed the new location out on the map.

Debra Kraft asked if it was the same farm.

Matt Foster stated yes, the well #6 is off of the residential property. He stated they began discussions a couple of years ago with W & S Farms to potentially add a well right next to it, but they would prefer it be located further away.

Debra Kraft asked him to confirm there are no houses there.

Matt Foster stated there are no houses within a ½ mile except for the one on the corner.

Ron Grider asked if he had said well #6 is not down in the Mahomet Aquifer.

Matt Foster stated it is in the Mahomet Aquifer but it is out on the fringes of it. The Mahomet Aquifer is north and they are trying to get further north into it. It is in the Mahomet Aquifer.

Ron Grider asked how much deeper will the new well be.

Matt Foster stated based upon the sample well that they drilled a year or so ago, the depth to the bedrock is roughly the same depth so the depth of the well will be roughly the same.

Barb Lamont asked what the depth is, approximately.

Matt Foster stated he believes it is in the neighborhood of 280 some odd feet but he does not have that number with him.

Barb Lamont stated that is okay, she just wanted a ball park.

Marcia Potrafka asked if it was a possibility to expand the existing well instead of digging a new one.

Matt Foster stated no, the existing well, the only thing they would be able to do would be to drill a new well right next to it and then they would not be able to turn them both on at the same time or else they would have a major impact to the aquifer right at that location. Assuming if it could be done at all.

Ron Grider asked if he was talking about running both of these wells at the same time. He asked if that would make a major impact on the aquifer and the larger surrounding area.

Matt Foster stated right now that is an issue that would have to be addressed during the design, and actually that issue would be addressed during the construction phase because when they go through their test pumping phase, they will have to monitor that next closest well to see if its water level is being dropped by the draw from the new well. They would have to monitor that and if that is the case, and it does impact it, then that will limit the available use of that well and they would end up with a lower rating on it than the 1000 GPM's.

Ron Grider asked if the board approves this, then it is all up to them to handle and out of the board's hands of how much water they can pump out of there.

Matt Foster stated that would be addressed by the State Geologic Survey.

Jennifer Gunter stated these are all mandated by state regulations and out of their hands.

Ron Grider stated because there are a lot of other communities in that Mahomet Aquifer, maybe not really close enough for this to affect, but in the long run, you are taking water out of it and it will affect it.

Matt Foster stated that is the responsibility of the State Geologic Survey to monitor.

Jennifer Gunter stated he had talked about abandoning some wells, if they put this new one in, how many would they abandon.

Matt Foster stated they are not 100% set yet, but there has been discussions about wells #4 & #5 were wells that were put in running straight north out of Forsyth along the old railroad line and the village has a lease on that property rather than straight ownership, so that would be targeted as potential ones. A lot of this will be dependent on what rating they can get on the new well before they decide what can be taken out of service. He stated currently right now with their usage, with their plant, they have wells 3, 4 and 5 which are all wells they have as backup in case, but they would have to turn on 3, they cannot turn on 4 and 5 at the same time. They have the issue of being too close together. The two wells they can turn on do not equal what they are hoping for at the well 7 site.

Larry Groves
1080 E School Rd
Maroa, IL

Mr. Groves stated he lives a little over two miles west of this and his well is only 70 feet deep. He has lived there for over 65 years and it has never gone dry. He is very concerned about this when they are pulling both of those will be their two major wells running most of the time, either one or the other or both of them. He is concerned, he has two houses across the road from him and they are on the same thing he is. Their wells are approximately 70 feet deep.

Roy Groves

Owner of property to west of the proposed well site

Mr. Groves stated they are talking about the draw down relationship running two wells back and forth. He asked Mr. Foster if he had studied the Decatur well project north of the Macon/Dewitt County line where there is a series of eight wells located on that 120 acre property and in 1995 or 1996, there were several wells that went dry over two miles away when they turned those pumps on. He asked if Mr. Foster had any reference to those wells and the drawdowns for those wells. He stated he does not have, off the top of his head, the diameter of those wells but well #6 is 15 or 16 inches in diameter. He stated that is only $\frac{1}{2}$ to $\frac{3}{4}$ of a mile from the houses close by. He asked if Mr. Foster had studied the draw down for that Decatur well field north of the Macon/Dewitt county line on Route 48/Argenta Blacktop area going north.

Matt Foster stated that is an issue that would be addressed during design stages.

Mr. Groves stated he could give him first-hand information. He has charts that when they ran that well test, they used the well at property he owns north of the Macon/Dewitt county line, right on the county line, two miles away from that well they were running. The well about 1000 feet across the road to the east and 1000 feet across the road to the west. The east well burned up, they had to put a new well in. The well to the west ran out of water. It did not burn the pump up. It got so serious that the subdivision just north of Argenta, the engineer that was monitoring the draw down for this Decatur well field, called up the City of Decatur and asked them if they wanted to lose the wells at this Argenta subdivision. They said no, they did not want to lose those wells and have to go back in and drill everybody a new well. They shut those pumps off. He stated he has personal charts from the water survey that shows the draw down over two miles away. He has direct evidence, he does not have it with him, but he has direct evidence that this can take place. He stated the board members here were asking questions about that draw down. He stated if you study the Decatur well project from the middle 90's, you will find that it is over two miles away, and in some cases, three and four that water was pumped out and ran the wells dry and Decatur was responsible for drilling new wells.

Barb Lamont stated she does not think this is Matt Foster's line of expertise.

Matt Foster stated as far as drilling wells, they have design staff that handles that. He does know the Decatur well field is substantially larger than what they are doing.

Mr. Groves stated he agrees.

Matt Foster stated it is an issue that will be worked through during design and construction.

Mr. Groves stated but in comparison, this is $\frac{1}{2}$ mile to $\frac{3}{4}$ of a mile away to the closest houses. The house that the well ran dry that he personally knows across the road from the property he owns on the Macon/Dewitt county line, is over two miles away from those Decatur wells, granted they were higher capacity. He stated but they have a two mile distance verses a $\frac{1}{2}$ or $\frac{3}{4}$ mile distance. He would highly recommend that if Mr. Foster has not studied the process in this design work, that he does so.

Jamie Zombro
Maroa Township Highway Commissioner
317 N Wood Street
Maroa, IL

Mr. Zombro stated he is the highway commissioner and he has no idea if this is the proper time to ask, or if it is more of an engineering question, but he heard that if it is approved and they start pumping water, the outflow of the water, will be like billions of gallons of water, he was wondering about the roads and ditches.

Matt Foster stated they have discussed internally multitudes of ways to handle the water that will be pumped out during the test. They have not finalized anything yet, because that is an issue they would address during the design phase of the project. He stated if they are approved for the special use and the variance, the next step would be for the Village to proceed with purchasing the property and then they would move into the design phase.

Roy Groves stated they brought up the design phase, if this project is approved without any specifications as to how they design that well and it comes up that they run the wells dry close by, how will it be resolved if they already have a blanket permit to go ahead and do this. He asked the board members how it would be resolved to rectify any problems this well is going to cause.

Matt Foster stated that gets into the legal range.

Roy Groves stated okay, he asked during the 1999 well construction of well #6 on the corner of School Road, there was a pumping test that was designed to take 1,000,400 gallons of water over a 24 hour period and used the draw down test. He stated that had to be shut off after about eight hours because the water was placed in the township road ditch and about ¼ away or so, it flooded, that pumping test at 1,000 gallons a minute, after eight hours flooded the farm field and the pumping crew was told to shut the well off. He stated they did not complete the full 24 hour pumping test. He asked how they would handle that water and if this is approved without any known design area, how will it be rectified. He is asking because he is directly involved in the process of putting that 1,000,400 gallons of water for a 24 hour period is going to flow, by some processes, if it is a pipe going to the culvert across Brush College Road, it will all flow directly onto his farm property. He asked how, if this is approved and there is damage, erosion, silting etc., how this would be addressed after the fact when the project is already approved and they go ahead and design and plan it.

Matt Foster stated again, that is a design issue. As he mentioned earlier, they have looked at a multitude of options for mitigating that water run off during the pump test so issues like what happened before back in 1999, do not happen again. He stated they are not at that phase. That is a design level issue, not a property use issue.

Roy Groves stated it is a property use issue when they are going to dump all of that water onto his property. He stated again, his question, as he understands it, secondhand information, there

were two lawsuits filed over the flooding of the farm field in 1999. The county building downstairs where the records are on those lawsuits has been closed off. He hasn't been able to get to them. The information as he understands it are in the records office. He asked Mr. Foster if he had any information on the outcome of those two lawsuits.

Matt Foster stated he has not dug into that.

Roy Groves stated that is fine, but it already has a precedence set that there were lawsuits filed, that the well pump test had to be shut off after 8 eight hours. He stated he does have information about it being shut off from the State Water Survey office. The water was shut off and not completed for the 24 hour period. He stated Mr. Foster had said there were several ways to do the runoff test the way the water flows there, that water will come directly onto his property out of the well pump water produced with 1,000,400 gallons if it goes that far. He stated that water is coming onto his property, they are directly involved with it. He said Mr. Foster brought up the legal situation that will they be required to file a lawsuit after the fact that this is approved. He asked how that would be handled.

Barb Lamont stated she is not sure this is a question for Matt Foster.

Matt Foster stated he is not an attorney.

Roy Groves stated that is true but Mr. Foster is saying all of this will have to be done after the fact of the board approving the permit. He stated his question is, should these answers be forthcoming before the permit is issued.

Barb Lamont stated what they are dealing with today has nothing to do with anything except for the building, nothing else.

Roy Groves stated okay.

Ron Grider asked if a lot of Mr. Groves' questions would be answered by the state. He asked Mr. Foster if they would have to follow state guidelines.

Matt Foster stated yes.

Marcia Potrafka wanted to comment that she is Secretary/Treasurer for the Boody Community Water and during the construction of their water mains, they drew off the City of Macon's wells and they did have some farmers who had issues. She stated they were all mitigated and taken care of after construction and there is no longer an issue. She stated the one concerning issue they had, did not have anything to do with farm ground, it had to do with residential properties and proper drainage through their ditches and their road district takes care of that.

Roy Groves stated he thought Mr. Foster said something about it being done legally after the fact, he didn't catch his answer.

Jennifer Gunter stated Ron Grider asked if a lot of Mr. Groves' questions could be answered by

the state, like Illinois Water Survey Regulations and stuff, and Matt Foster had said yes.

Roy Groves stated yes that is true, there are water regulations requiring things be done and the board has information he sent previously, about some of those water regulations. He stated there is where Mr. Foster and the group has to go by on those state regulations and others.

Jennifer Gunter was called on to present her finding of facts. She stated these will require two different votes. The first one will be on the variance, so she will present those finding of facts first.

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

Parcel Number: 10-03-17-300-003 (part of)

Location: This property is commonly known as ½ mile north of the intersection of North Brush College and E. School Road in Maroa Township.

Zoning: A-1 Agricultural Zoning

Acreage: 157.22 Acres

Finding of Facts

- Petitioner wants to separate 1 acre from the existing 157.22 acres to build a municipal well for the Village of Forsyth.
- The variance is needed to allow the minimum lot size to be reduced from 10 acres to 1 acre. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Agriculture is 10 acres.
- The petitioner does not want to divide off 10 acres and take additional acres out of crop production.
- The property is not located within the floodplain.
- One letter was received opposing the variance.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

ADEQUACY OF UTILITIES & FACILITIES: Correct

INGRESS & EGRESS: Already existing.

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

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

Barb Lamont stated she also wanted it noted that we did have one letter from Evelyn Fishel.

Jennifer Gunter stated yes, that was for the special use permit. She stated the letters received were against the well, not against the minimum lot size.

Evelyn Fishel stated the letter was for both.

Jennifer Gunter stated okay, then we did receive a letter against the variance.

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

Jennifer Gunter stated she will now present her finding of facts for the special use permit to allow the construction of a municipal well and associated apparatus in (A-1) Agricultural Zoning.

Petition: Special Use Permit to allow the construction for a municipal well and associated apparatus in (A-1) Agricultural Zoning.

Parcel Number: 10-03-17-300-003 (part of)

Location: This property is commonly known as ½ mile north of the intersection of North Brush College at E. School Road in Maroa Township.

Acreage: 157.22 Acre

Zoning: A-1 Agricultural Zoning

Finding of Facts

- This is a special use permit for the property to construct a municipal well and associated apparatus.
- 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 A-1 Agricultural and this particular use does not fit into the permitted uses in the Macon County Zoning Ordinance in Section 155.100.

- We have received 2 letters of opposition to the petition.

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 could 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 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 entrance 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. 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.
3. The Special Use Permit will be voided if construction does not begin within eighteen (18) months of approval of said permit by the Macon County Board. This permit will be reviewed periodically for compliance as frequently as is deemed necessary by the Macon County Zoning Administrator, but not less frequently than once every ten (10) years.

Barb Lamont asked if it is for ten years.

Jennifer Gunter stated no, on these, there are no expiration dates because it is an actual full structure being a water supply and utilities. We look at them every ten years.

Roy Groves stated in Mrs. Gunter's speech she said this meets all specifications; state, federal and otherwise. He asked if she could address the Illinois Drainage Laws, landowners, which would be the Village of Forsyth, cannot dam or construct a natural water channel so that the flow of the surface water from higher land is impeded or blocked. He stated the driveway going from Brush College Road east to the well site physical bore hole, that driveway goes directly over the top of the drainage channel in the farm field where the pond is at. He stated the board members have pictures, and he has one showing the water channel that anywhere you put the driveway, to which we do not have specifications, Mr. Foster said we do not get specifications until afterwards when this is approved, however, the specifications say that you cannot lay a driveway across the top of this channel and block the natural flow. He stated that has to be done if they are going to put a driveway from Brush College Rd, if it is similar to the existing well a ½ mile away, about 50 – 60 feet from the road to the well hole. He stated you need to have a driveway in there to maintain maintenance trucks. He stated this is a known water hole, this is minor, that is the channel which the board members have pictures of, the pictures show the water flooding a sand pile to the extent of approximately 12 inches deep. He stated that driveway has to be constructed over the top of this 12 inch water level safely enough in approximately 12 inches above the water level so that heavy trucks can get to the well site. He stated this driveway will be blocking the channel. There would have to be multiple culverts, and this is getting technical and into the engineering part of it, but he has some background in doing this kind of stuff.

Jennifer Gunter stated as far as the Illinois Drainage Law, she is aware of that, she is a storm water inspector for the county, in that case, she does not enforce the Illinois Drainage Law for the county. That would be a civil issue and would have to be an agreement between Mr. Groves and the Village if this does get approved. She stated the county does not enforce the Illinois Drainage Law, there is nothing in our ordinance that gives her the power to enforce it.

Roy Groves stated if this is approved, then any issues that come up will need to be litigated in court afterwards. When the Illinois Drainage Laws say that you cannot obstruct or construct something that will block the natural water flow. He stated we already know the natural water flow is right underneath the driveway.

Jennifer Gunter stated she understands that, she thinks, speaking from the Village side, she does not think they want a big pond either in front of their building. She would think that probably through tile and such they could get it mitigated to where they would not have a big pond.

Roy Groves stated the board has pictures of the flooded field between the sand pile and the roadway. He stated water actually gets on the roadway.

Jennifer Gunter stated she had seen the pictures.

Roy Groves stated that is a known, in the last two months, it has been probably 4 different times it has flooded. There is no way for that water to get away. They cannot mitigate it to get the

water away because the water flows from the south side of the 1 acre lot north onto the adjacent farm field and then through the culvert under Brush College Road over to his field. He stated that happens every time there is a heavy rain. This driveway, if it does not have multiple culverts, is going to obstruct the natural drainage coming across this 1 acre property which is against the law basically, for what the Illinois Drainage Law says. He stated we already know that this happens and he has pictures to prove it.

Matt Foster stated again, that will be an issue that will be very specifically looked at during the design phase on how to maintain existing drainage patterns through this area. There will be a culvert certainly underneath the driveway and there are other various other options in terms of trying to route water around this site and allowing it to discharge in the same place that it currently is discharging which is following the State Drainage Law.

Roy Groves stated Mr. Foster mentioned culvert, he asked it was culvert or culverts.

Matt Foster stated at this point they have not done any drainage design so he cannot talk to how many will need to be there, how big they will need to be and various things.

Roy Groves stated this is the issue with that driveway going across this water channel. There is so much water coming across. This last rain, Maroa had 1 9/10" at the elevator in Maroa which is a couple miles away from this location for the well. He stated it flowed fast enough...he has some pictures he would like to hand out to the members...

Barb Lamont stated they already have them.

Roy Groves stated not these...

Barb Lamont stated she has seen the site after the rains.

Roy Groves stated this is the latest rain, his point being, the water in this water channel that is going to be underneath the driveway was moving fast enough that it pulled sand from the sand pile about 10' out into the field.

Barb Lamont stated she was out there, she specifically went and looked at the site after they had the big rains. She specifically did that.

Roy Groves stated there was no sand movement until this last rain last week. That was his point, it is the speed of the water coming across this well site where the driveway is, fast enough that it moves sand. He said Mr. Foster was saying he would like at designing culverts under this driveway. He asked him to please take in consideration that the water runs fast enough in high enough volume to move sand.

Barb Lamont said that is up to the engineers who design it.

Matt Foster stated that is a design issue but sand is one of the easier substances for drainage run off to move.

Roy Groves stated he understand, but he is just pointing out that this driveway...

Matt Foster stated their property will be grassed in which does have a mitigating effect on runoff erosion, it slows water down if you run it through grass drainage ditches rather than through a farm field that has already been harvested and is showing bare dirt.

Roy Groves stated but it also runs the speed and everything, it is not always bare dirt and you cannot grass a production field on the other side of your property. Which, we do not know where the well is. If they put the well on the south side, that is 208 feet away from the property line going north so you only have about 100-150 feet of grass you can put in before you hit the property line. He stated you cannot grass across the property line.

Barb Lamont stated that will be a subject to take up with the engineers and the planning team. She stated that has nothing to do with this and she thanked him for the information.

Roy Groves stated if they do the job and do the design well enough to mitigate these problems, there will not be a problem. He stated it is his point to see that they try to do the design phase adequately.

Barb Lamont stated that is correct and she thinks they understand that also.

Ron Grider made the motion to approve the petition, seconded by Marcia Potrafka. All members present voting, Aye. Motion carried (4-0).

Jennifer Gunter made the announcement that the Zoning Board of Appeals sends a recommendation to the EEHW Committee, which will be held June 25th at 5:30 and then it is not final until it is approved by the full County Board on July 9, 2020. She stated not knowing exactly what will happen with the COVID and whether we move into the next phase, comments will need to be submitted to the Macon County Board secretary and they will be read at the meeting. The meetings are held remotely with only three people in the board room and the rest of the board members call in on the phone system.

Debra Kraft stated we may be in the next phase by then (June 25th), but we do not do Zoom, it is audio only.

Jennifer Gunter stated she cannot say exactly how it will be held due to COVID, that is why the disclaimer is on the information board.

**5.3 R-01-06-20 a petition filed by Nutrien Ag Solutions, Kevin Foreman requesting to rezone approximately 11.91 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial Zoning. The property is commonly known as 9650 Heman Road, Warrensburg, IL 62573
PIN 08-06-05-400-006**

Daniel Mogged

345 Secretariat Place
Mt Zion, IL 62549

Mr. Mogged stated a couple of years ago when they were still Vanhorn, he bought 11 acres next to their property where their plant is located in Warrensburg, thinking they would maybe do something in the future. He stated now the facility has grown so much, they have been looking at re-doing their chemical shed and adding on to it. Instead of doing that, they came up with the idea to build a whole new one right next to it. He stated basically they will just use the old building for something else and build a new state of the art chemical load out building.

Barb Lamont asked if anyone had any questions. There were none.

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

Petition: For rezoning, approximate 11.91 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial Zoning.

Parcel Number: 08-06-05-400-006

Location: This property is located at 9650 Heman Road in Illini Township.

Acreage: 11.91 acres

Zoning: A-1 Agricultural Zoning

Finding of Facts

- This is a rezoning of 11.91 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial District Zoning.
- The rezoning is needed for Nutrien Ag Solutions to expand their existing plant. The Macon County Zoning Ordinance Section 155.150 states the permitted uses for parcels zoned (M-1) Light Industrial District Zoning.
- The surrounding properties are zoned: (A-1) Agricultural Zoning to the North, South, East and West.
- The LESA (Land Evaluation Site Assessment) Report was done for the property totaling: 212.60. That score states the ground shall be considered suitable for agricultural only.
- There was floodplain located on the northwest corner of the property. However, a Letter of Map Amendment was conducted by a land surveyor and showed the floodplain does not come across that north corner. This document is filed with FEMA.

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** for rezoning, approximate 11.91 acres from (A-1) Agricultural Zoning to (M-1) Light Industrial District Zoning.

Dennis Hughes stated he knows we are only dealing with the one property, but what happens to the property sandwiched in between the two properties zoned M-1, the current existing facility.

Jennifer Gunter stated she does not know why that was never rezoned, it was done prior to her being Director of Planning & Zoning. It was just never pushed to be rezoned.

Dennis Hughes asked if it could be straightened out.

Jennifer Gunter stated they would need to go through another hearing.

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

CITIZENS COMMENTS: None.

Chair Lamont asked Mrs. Gunter if the board has anything for next month.

Mrs. Gunter stated we currently have one petition.

ADJOURNMENT: Marcia Potrafka made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (4-0). Meeting adjourned at approximately 9:32 A.M.

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