

**MACON COUNTY ZONING BOARD OF APPEALS**

**HEARING MINUTES – JULY 7, 2021**

**MEMBERS PRESENT**

Barb Lamont, Chair  
Ron Grider  
Marcia Potrafka  
Adam Brown  
Blake Noland  
Ed Leonard, Alternate Member #1  
Dennis Hughes, Alternate Member #2

**COUNTY PERSONNEL PRESENT**

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

**MEMBERS ABSENT**

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

**MINUTES**

Blake Noland made the motion to approve June 2, 2021 minutes, seconded by Adam Brown. All members present answering, Aye. Motion Carried (5-0).

**OLD BUSINESS:**

- 4.1** S-01-06-21 a petition filed by PITS Water Skiers, represented by Doris Mabry for a special use permit for the operation of a water ski club in (A-1) Agricultural District. The property is located at 5300 W. Harristown Blvd, Decatur, IL 62521. PIN: 06-11-12-300-0004

Mrs. Gunter stated the Zoning Board of Appeals approved this petition June 2, 2021, EEHW approved June 24, 2021 and it goes to full County Board July 8, 2021.

- 4.2** S-02-06-21 a petition filed by Jeffrey Augustine for a special use permit for the operation of a landscaping business, with the storage of related materials in (A-1) Agricultural District. The property is located at 2045 Allen Lane, Decatur, IL 62521. PIN: 17-16-12-200-003

Mrs. Gunter stated the Zoning Board of Appeals approved this petition June 2, 2021, EEHW approved June 24, 2021 and it goes to full County Board July 8, 2021.

- 4.3** S-03-06-21 a petition filed by Terry Parker for a special use permit to allow a storage business in (A-1)

Agricultural District. The property is located at 3926 Glasgow Road, Warrensburg, IL 62573.  
PIN: 08-06-25-300-009

Mrs. Gunter stated the Zoning Board of Appeals approved this petition June 2, 2021, EEHW approved June 24, 2021 and it goes to full County Board July 8, 2021.

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

**NEW BUSINESS:**

- 5.1 R-01-07-21 a petition filed by Phillip Pugsley requesting to rezone approximately 6.25 acres from (RE-5) Single Family Estate Zoning to (M-1) Light Industrial District Zoning. The property is located at 802 N. Moffett Lane, Decatur, IL 62526.  
PIN: 04-12-08-451-001**

Phillip Pugsley  
4160 Starlight Ave  
Decatur, IL 62526

Mr. Pugsley stated he has owned farm ground on the west side of Decatur for about twenty years now. He has been land applying crop residue from Top Flight, Heritage Grain in Bethany, and horse manure. Big Creek Stables, the mountain of horse manure from there is what helped enrich the soil at his farm. He stated Big Creek is gone but he is still doing soil enrichment. He also owns Pugsley Container. He stated ADM is currently and has been looking for avenues for their crop residue. He explained when they bring beans in and sort it, they will get the bean hulls and little pieces of stems and then they haul it to a landfill. He stated back in his day, his grandfather put this stuff on his garden and tilled it in and then the next spring, everything was good, or he might try to find someone with manure, doing soil enrichment. Mr. Pugsley stated he does soil enrichment on a little bit of a bigger scale. He has a 55 acre piece of ground on W Center Street that once he did the soil samples, it was severely lacking in organic matter and fundamental chemicals that normally make up healthy soil; nutrients that the plants draw from. It was suggested he find a farm, he found Big Creek Stables and he started hauling that manure to the farm and enriching the soil. He stated it is now like a 55 acre garden. He wants to keep moving through this process but he wants to capture this material that ADM is hauling to the landfill because they have nowhere else for it to go. For example, if corn comes in and it gets wet they cannot use it in their process, or beans come in and they are drawing feed and the feed gets too dry, they cannot use it in their process because it will not form into a pellet so they just landfill this material. He stated in agricultural, bi-product but what we normally would call crop residue. He stated you see the farmers every year doing cultivation of the fields. He stated ADM, because of the structure of their business, they require this material to go to a permitted facility. He has been land applying for twenty years now the very same material on his farms from Top Flight, Heritage Grain and Decatur Park District but now he

wants to capture that ADM product. He stated they currently pay a portion of their product to be hauled to Paris, Illinois to go to a landscape waste facility. He stated there is no landscape waste facility in Macon County that can take this material, or has taken this material because he does not think there is a landscape waste material company in Macon County. His proposal is to establish a landscape waste facility on his 92 acre parcel (he pointed this out on the map), but he will only be using a small portion of 6 acres for this. He stated the process is he will go to the ADM facility and they will have bean pods, this is just the hull of the bean they cannot use in the process, but rather than waste our landfill space, he would like to recycle this material but not haul it 75 miles to Paris, Illinois. Essentially what happens is you bring in a truckload of material, dump it, wind row it, and you let it compost for a short period of time; eight to twelve weeks would be the maximum, you get the moisture level up and that allows for the germination of any odd seed in there and then you take that material to your farm field and land apply it like fertilizer. This is what he is wanting to do. He stated the volume, they had about one semi load per day, 800,000 pounds of material which sounds like a lot until you break it down to 20 ton truckloads which ended up being twenty ton truckloads of material which is not a lot when you consider the agronomic rate for application is about 1 truckload per acre per year. This is like renewable use of the ground. He stated he owns 55 acres right off of Center Street and it is like a big garden. It is not going very far from where they compost it to where they land apply it. He stated he is currently doing this legal anyway, but what he is seeking from the board today is approval for the zoning so he can then make application with the IEPA to get a landscape facility permit to compost. The reason he needs the permit is because ADM requires a permitted facility to receive their material.

Blake Noland asked if ADM would be the sole customer or...what is the volume going to be five years from now.

Mr. Pugsley stated he hopes to grow but, they speak in terms of waste streams, for instance their bean pods. They will haul one 30 yard container of bean pods per day which is about seven tons to the landfill. That is seven tons but a 22' long box of just corn stalks and bean hulls. He stated if he gets this facility going, his hopes are the old landscape waste facility on Bearsdale Road is 45 acres. He would like to be able to secure that facility from its owners because the previous owner has passed away. He would like to rejuvenate that and he also has the equipment to clean that facility up because he also owns the grinders and industrial equipment to take care of the current mess that facility is. He stated very simply, his company, they want responsibility but they want to make money and right now ADM is paying a lot of money to move this stuff to the landfill and then it is not being captured in jobs in Decatur. He stated when he started, he was working as an ADM employee with one job and one truck. He now has 15 employees and 300 dumpsters but speaking earlier about responsibility, he has taken guys out of Dept. of Corrections and tried to help them with some skills. He stated these guys need opportunity, they need a guy who cares. He stated when he was 21 years old, drinking and driving, he went out and broke his neck. He was told he would never walk again but here he is because he was determined to make it but then he needed someone to give him opportunity. His old owner, the boss of Domino's Pizza, one handed, he could barely stumble, but his boss told him he could answer the phones. He gave a screw up a chance. He stated these guys he is talking about, he has had 25 of them come through his shop and 24 of them didn't make it because they gave up on themselves but one of them did. He has had a lot of other young men come through that he

has given skills to and consequently jobs training is not always about the job, it is about learning to get along in society. He kind of takes these guys and they will have six guys that are working right, he uses peer pressure and just beats them up, works their butts off and teaches them skills like how to drive tractors. He has had guys that left his employment that were working...they went from the Dept. of Corrections to operating a bobcat for him and now they are machine operators and equipment operators at Mervis Industries. He moves them through, gives them some skills. He needs some place to do this with them and part of what he does with his recycling on Eldorado Street and the recycling he hopes to do at this site is provide three jobs for guys who do not have choices. Also is to make a way for 1. He likes to make profit and 2. These guys take this money and learn new skills that move them through life.

Blake Noland stated not to change the subject, he thinks Mr. Pugsley is spot on but to get the approval through, they need to get a few questions answered. He stated he backs Mr. Pugsley fully and thinks he is doing a great job. Blake asked if ingress and egress was established. He stated obviously Mr. Pugsley is operating dumpsters and trucks, he understands what size it takes to bring in ADM trucks.

Mr. Pugsley stated everything is good. He is already operating there.

Blake Noland asked how many tons are currently going to that location.

Mr. Pugsley stated this month they have not done a lot but this month they have done two loads.

Blake Noland asked pending the approval goes through, what type of increase as far as traffic flow through the area.

Mr. Pugsley stated they are looking at, he pointed out Moffett Lane on the map and showed a rock road which is an easement that goes back and then you are right on a class 2 truck route which is Route 36 West. This is already handling truck traffic going to the landfill, Springfield...

Blake Noland stated yes it is a great road for what he wants to do. As far as trucks coming in and out, what if ADM says hey we have a great situation here, we are going to send from some other facilities or you pick up more contracts, as far as ingress and egress getting into that location...

Mr. Pugsley stated it is a good...he pointed out on the map the intersection and stated they had just redone the water lines underneath it and paved everything, but he regularly and his neighbor actually has a semi parked at his building so there is a 53' trailer that went in and out of there without a problem. He stated he has, on the six acres, his turnaround (he pointed this out on the map). He stated it is very easy to take a semi in and out of there. He stated they have had Top Flight from their grain elevators in Milmine, they have a big building which are basically all of their dust collectors from the grain facilities and then that dust is nothing more than corn fines, they have brought those semi loads to him and they have spread them on the farm field and incorporated them. He stated that is the process, bring a load in, either directly land apply it and then incorporate it by disking.

Jennifer Gunter asked how many trucks per day, are we talking 10 trucks, 2 trucks, what is the max?

Mr. Pugsley stated he would think they would not exceed 2 trucks per day. Currently they have gotten 2 trucks this month but with 200 acres of farm ground, his capacity for what he can bring in and then re-apply immediately is pretty good.

Jennifer Gunter asked if the 6.25 acres on the old landfill or the non-filled area.

Mr. Pugsley stated it is on the non-filled portion. He stated that is the significant part of this, there are rules he has to follow because it is a former landfill which has to maintain cover. He stated they harvest a crop of grass from it and he is allowed to land apply on it and incorporate it but not allowed to compost on it. Mr. Pugsley pointed these locations out on the map. He stated it is also drained well, there is a bit of a slope, which they like. He had an engineer look at this spot before he started the process because he did not want to get through the county and then have the EPA say this is totally wrong. He stated he has already looked at their requirements to make sure and capture the drainage and runoff.

Adam Brown asked if the 200 acres of ag-land was cropped currently, or is he just going to use it for application...

Mr. Pugsley stated what you do in that regard is, it is all about timing. What he has done in the past is he will leave ground un-cultivated and then land apply on that for a year. He stated it takes a lot of work to spread 20 tons per acre.

Adam Brown stated half of the Zoning Board of Appeals are farmers...

Mr. Pugsley stated a 20 yard box comes in, he has a manure spreader, a big New Holland 195 tandem axel but it takes a long time to apply that. You do the application and disc it and then you leave it alone. He has never in twenty years hit the 20 tons per acre. He stated that is even when he hauled over 400 loads from Big Creek Stables. There was 400 truckloads, a C60 grain truck that he used. He stated at the time he owned land that the park district acquired from him (eminent domain), he had 98 acres at that time at that location and now he only has 55 acres.

Chair Lamont asked if the product was for his use only or would he be selling also.

Mr. Pugsley stated he would not re-sell it at this time. He has had people ask him to sell dirt, he bets there are not a lot of farm fields in Illinois that you can go and dig night crawlers from but his farmer was picking up rocks from the field and he noticed there was a worm under a rock and he had never seen a worm in any of his fields. A lot of that has to do with his form of cultivation and chemical process he uses.

Marcia Potrafka asked who maintains the access road.

Mr. Pugsley stated he does. It is an easement and typically, he has a box scraper. He goes to the

quarry in Nokomis and haul in rock and put it on the road, they are 25 feet off the railroad.

Adam Brown asked if Mr. Pugsley's trucks are all covered.

Mr. Pugsley stated yes they are, it is a requirement. One thing is a dust requirement where as you might consider dust from a load but what he does as well is he has been using asphalt millings on the lane to help keep the dust down from the traffic.

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

Petition: For rezoning, approximate 6.25 acres from (RE-5) Single Family Estate Zoning to (M-1) Light Industrial District Zoning.

Parcel Number: 04-12-08-451-001

Location: This property is located at 802 N. Moffett Lane in Decatur Township.

Acreage: 37.99 Acres

Zoning: RE-5 Single Family Estate Zoning

### **Finding of Facts**

- This is a rezoning from (RE-5) Single Family Estate Zoning to (M-1) Light Industrial District Zoning.
- The rezoning is needed for the 6.25 acres to be used as a commercial compost facility for crop residue. The Macon County Zoning Ordinance Section 155.150 states the permitted uses for parcels zoned (M-1) Light Industrial District Zoning.
- On June 28, 2021, I spoke with Dustin Burger from IEPA about the activity on this land since it is an old Waste Control landfill. He stated Mr. Pugsley would need to get a permit to operate on the cover of the old landfill and a compost permit. He would also need to modify the landfill permit to get permission to alter the plan for the cover since the landfill has never been properly closed. These are permits he will need to obtain if he receives County Board approval for this rezoning.
- The surrounding properties are zoned: (R-1) Single Family Residential Zoning to the North, East and West. The City of Decatur's jurisdiction is on the south side of the property across Route 36. However, this 6.25 acres will be surrounded by the petitioners ground that is zoned (RE-5) Single Family Estate Zoning.
- There is floodplain located on the property on the north side. However, the compost facility for crop residue, consisting of the 6.25 acres, will not be located within the floodplain.

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 6.25 acres from (RE-5) Single Family Estate Zoning to (M-1) Light Industrial District Zoning.

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

**CITIZEN'S REMARKS:** There were no citizen remarks.

Chair Lamont asked if there is anything for next month. Mrs. Gunter stated as of right now we do not have anything.

**ADJOURNMENT:** Blake Noland made the motion to adjourn; Adam Brown seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:57 A.M.

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