

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – MARCH 2, 2022

MEMBERS PRESENT

Barb Lamont, Chair
Ron Grider
Marcia Potrafka
Adam Brown
Dennis Hughes, Alternate Member

COUNTY PERSONNEL PRESENT

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

MEMBERS ABSENT

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 February 16, 2022 minutes, seconded by Ron Grider. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

- 4.1 S-02-02-22 a petition filed by Drew & Brittany Burrows requesting a Special Use Permit to use the property as a venue for weddings and personal events in (A-1) Agricultural Zoning. The property is located at 12950 Connors Road, Argenta, IL 62501. PIN: 05-03-14-100-005.**

Mrs. Gunter stated this went to EEHW Committee February 24, 2022 and will be presented to Macon County Board March 10, 2022.

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

NEW BUSINESS:

- 5.1 S-01-02-22 a petition filed by Allied Asphalt (Kent Darst) requesting renewal of a Special Use Permit for the operation of an asphalt business in (R-1) Single Family Residential Zoning. The property is located at 2104 S. Taylorville Road, Decatur, IL 62521. PIN: 17-12-28-151-006.**

Robert Kent Darst
2104 S Taylorville Road
Decatur, IL 62521

Mr. Darst stated this is a renewal, he has had a special use permit for the last five years. He is now semi-retired and there will not be very much activity. He just wants to finish his days out until he is completely retired. His equipment numbers are way down, he has sold a lot of it. He stated not a lot of activity, he does not run a store front, maybe two or three pieces per day go out.

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

Petition: Special Use Permit renewal for the operation of an asphalt business in (R-1) Single Family Residential Zoning.

Parcel Number: 17-12-28-151-006

Location: This property is commonly known as 2104 S. Taylorville Road in South Wheatland Township.

Acreage: 4.29 Acre

Zoning: R-1 Single Family Residential Zoning

Finding of Facts

- This is a renewal of an existing special use permit for the property that was originally issued Jan 12, 2017 for a 5 year period.
- 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 Zoning.

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

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:

The establishment of the Special Use Permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

ADEQUACY OF UTILITIES & FACILITIES: No known issues.

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

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

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** with the following stipulations:

1. This Special Use Permit constitutes a license issued to the named petitioners only. This special use permit is not property nor does it convey any property right. This special use permit is, therefore, not assignable or transferable.
2. Employees shall be limited to 3 employees other than the owner.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Said property and all operations shall be in compliance at all times with all applicable federal, state, and local laws and regulations. Failure to be in compliance may result in the suspension or revocation of this special use permit.
5. The special use permit shall be for a 10 year period beginning April 14, 2022 and ending April 8, 2032.

Marcia Potrafka asked if there had been any violations or complaints on the property.

Ms. Gunter answered no.

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

5.2 R-01-03-22 a petition filed by Michael and Diana Bruntjen requesting to rezone approximately 1.72 acres from (B-1) Neighborhood Shopping Zoning to (M-1) Light Industrial Zoning. The property is located to the west of 4135 N. Bearsdale Road, Decatur, IL 62526. PIN: 07-07-30-428-011.

Nancy Handegan	Eric Bruntjen
101 S State Street	3570 N Kenney Road
Decatur, IL 62523	Decatur, IL 62526

Ms. Handegan stated Eric is here on behalf of Michael & Diana Bruntjen. Eric farms with his father and they are requesting a change on an adjacent property to Trump Grain. She pointed the

property out on the map. She stated it is currently zoned (B-1) Neighborhood Shopping Zoning and they are requesting it be changed to (M-1) Light Industrial Zoning because they would like to expand the grain holding facilities and put a grain leg up.

Mr. Bruntjen stated they intend to demolish the original standing structures (parcel # 07-07-30-426-002) he pointed out where the original main leg and dump were when Trump Grain was active as a commercial business. They initially thought to start the new construction of the main dump, main legs and the main tanks, starting to head south on the property. He stated they are probably going to move it on up north and put it much closer to where the original construction was. They do intend to put a drying system on site which would be more modern than what was previously on the site. It would be much quieter and more friendly to the local folks. He stated if they do all of that, they will probably end up putting the dryer, that way the wet holding tank will block the noise as well as the main holding tank from the residential area. They would intend to go ahead and install the bin fans as well facing off to the west which is an open field, to keep the noise down. He stated truck traffic would keep the same relative pattern coming in, with the first phase of construction it would be a minimal drive around. Assuming he has a reason to keep building new structures, he will continue to build straight south. The trucks will come down along the eastern property line in a U shape pattern around, come up to the dump, which as he expands, will keep going farther and farther south. He stated one question asked was about timeline of use because there are children in the area and there was concern about excessive truck traffic. He stated they are looking at maybe around a month during harvest to get filled up and then probably a month and a half to get emptied out at whatever time during the spring or summer.

Ms. Handegan asked if he intended to landscape.

Mr. Bruntjen stated that is part of the reason for demolishing the old construction because if you build a nice brand new site that looks nice and shiny and then everyone will drive by and see all of the old rusting construction. He stated it will be cleaned up, grass will be planted as well as some landscaping and new signage.

Ms. Handegan asked about how much he intends to spend on this project.

Mr. Bruntjen stated around three million.

Ms. Potrafka asked about the area behind the residences, is it an alley or an established road?

Mr. Bruntjen stated he believes that is George Trump's property.

Ms. Potrafka stated but then if you go north from there on the property line, is it an alley?

Ms. Handegan pointed the area out on the map, and stated there is alley.

Ms. Potrafka asked if it was an established alley.

Ms. Handegan stated as far as she knows it is. They have not ran a title search on it but the

Assessor's records and GIS maps all show it as being an alley. She stated that is an additional buffer for the residences. The alley is to East of the subject property line.

Ms. Potrafka asked how high the equipment would be.

Mr. Bruntjen stated the main receiving leg is 150 feet above ground. It will be supported by tower, not cable systems. The bin is 90 feet at the eave, 112 feet at the peak.

Ms. Handegan stated that is part of the reason for the change in zoning because B-1 zoning only allows 35 feet.

Chair Lamont asked what they would be constructing first.

Mr. Bruntjen stated a single bin at the current time just for the first phase of the project which would be the main storage.

Ron Grider stated this may be a 10-20 year process...

Mr. Bruntjen stated he would expect probably in the next 3-5 years he would have most of the construction done.

Ron Grider stated he was referring to the construction down behind the residences.

Mr. Bruntjen stated if he had someone come to his door and say they had an extra 10,000 acres they needed him to farm then it will be next year...

Ron Grider stated so there is really no timeline...

Mr. Bruntjen stated no, there simply is not, it may never happen. He said as it is right now, they will have more storage than they have bushels to fill it.

Ms. Handegan stated but if he needed to build it, they needed the change in the zoning.

Mr. Bruntjen agreed.

Ms. Gunter asked if his intention was to combine all three parcels in the future. She stated right now they cannot be combined because they are zoned differently but if this passes, would he combine the properties.

Mr. Bruntjen stated he had not considered that but he would be open to it.

Ms. Handegan stated they would need to look again at the lot lines.

Adam Brown asked what type of lighting he anticipated having.

Mr. Bruntjen stated there would probably be some lighting on the main dump structure, they

intend to go ahead and build the dump house as well which should help keep some of the dust and fines contained. Minimal man lighting there, nothing extreme. There will probably be some lighting on top of the actual bin itself as well. All stuff they could leave turned off for the majority of the year if needed.

Ms. Handegan stated he wanted to be a good neighbor.

Mr. Bruntjen agreed.

Jerilea Short
4115 N Bearsdale
Decatur, IL 62526

Ms. Short stated they did have a title search done on the alley, it is an alley and she could provide it if needed.

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

Petition: For rezoning, approximate 1.72 acres from (B-1) Neighborhood Shopping Zoning to (M-1) Light Industrial District Zoning.

Parcel Number: 07-07-30-428-011

Location: This property is located to the west of 4135 N. Bearsdale Road in Hickory Point Township.

Acreage: 1.72 Acres

Zoning: B-1 Neighborhood Shopping Zoning

Finding of Facts

- This is a rezoning from (B-1) Neighborhood Shopping Zoning to (M-1) Light Industrial District Zoning.
- The rezoning is needed for the 1.72 acres to be used as a personal grain storage facility. The Macon County Zoning Ordinance Section 155.150 states the permitted uses for parcels zoned (M-1) Light Industrial District Zoning. This use would fall under carting, express, hauling and storage yard.
- The surrounding properties are zoned: (M-1) Light Industrial District Zoning to the North and Northeast, (B-1) Neighborhood Shopping to the East and South, (A-1) Agricultural Zoning to the west and northwest of the property.
- There is floodplain no floodplain located on the property.

EFFECTS ON GENERAL WELFARE: None

EFFECTS ON NEARBY PROPERTY: None

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY: None

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

INGRESS & EGRESS: Adequate if used properly.

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

STAFF RECOMMENDATION: While you may vote to recommend approval or denial of this petition, staff has inspected the property and staff recommends **approval** for rezoning, approximate 1.72 acres from (B-1) Neighborhood Shopping Zoning to (M-1) Light Industrial District Zoning.

Adam Brown stated the board received a letter with some inquiries on mostly property specifications and regulations. He asked Ms. Gunter if she had responded to that.

Ms. Gunter stated that needs to be added as Exhibit 1 in the minutes. She stated a lot of the questions were answered today by the questions during the hearing. That is why she asked about the height and lighting. The setbacks will depend on if they combine the parcels. She pointed this out on the map. She stated it just depends on how they plan to move forward but sounds like most of the construction will be on the north property.

Adam Brown stated he knows they answered a lot of the questions but a few were really technical and spoke to code.

Ms. Gunter stated yes and some of the questions would be addressed at the building permit stage.

Ron Grider made the motion to approve the petition, seconded by Adam Brown. 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 we have one variance petition for next month.

ADJOURNMENT: Ron Grider made the motion to adjourn; Marcia Potrafka seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 8:50 A.M.

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

