

MACON COUNTY ZONING BOARD OF APPEALS

HEARING MINUTES – NOVEMBER 2, 2022

MEMBERS PRESENT

Barb Lamont, Chair
Ron Grider
Dennis Hughes
Marcia Potrafka
Clint Gorden, Alternate Member #1

COUNTY PERSONNEL PRESENT

Debra Kraft, County Board Member
Tracy Sumpter, Planning & Zoning Director
Tammy Wilcox, County Administrator
Kevin Greenfield, County Chairman
Michael Baggett, State’s Attorney Office

MEMBERS ABSENT

Adam Brown
Gary Hutchens, Alternate Member #2

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

MINUTES

Ron Grider made the motion to approve September 21, 2022, minutes, seconded by Marcia Potrafka. All members present answering, Aye. Motion Carried (5-0).

OLD BUSINESS:

Reported by Tracy Sumpter

- 4.1 S-03-09-22 a petition filed by Nexamp Solar, LLC (Oreana Solar Project) for a Special Use Permit to allow the development and construction of a solar energy system on approximately 12.3 acres of an existing 78-acre tract of land and within a 3-year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. This property is located at the Northeast Corner of Jordan Road and Connors Road, Macon County, Illinois.
Whitmore Township PIN: 18-08-02-300-004**

- 4.2 S-04-09-22 a petition filed by Nexamp Solar, LLC (Argenta Solar Project) for a Special Use Permit to allow the development and construction of a solar energy system on approximately 24.2 acres of an existing 34.2-acre tract of land and within a 3-year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. This property is located in the Northeast Quadrant of Wise Road and State Highway 48, Macon County, Illinois.
Friends Creek Township PIN: 05-03-35-300-003**

- 4.3 S-05-09-22 a petition filed by Nexamp Solar, LLC (Maroa Solar Project) for a Special Use Permit to allow the development and construction of a solar**

energy system on approximately 32.7 acres of an existing 64.98-acre tract of land and within a 3-year period, obtain a building permit and begin to establish the use in (A-1) Agricultural Zoning. This property is located near the Northeast Corner of Route 51 and Duroc Road, Macon County, Illinois. Maroa Township PIN: 10-02-11-300-011

Ms. Sumpter stated that all three of these were approved by ZBA on September 21, 2022, approved by EEHW on September 22, 2022 and approved by County Board on October 13, 2022.

Chair Lamont said we have three hearings today and asked for any persons wishing to speak today to please stand so she could swear them in.

NEW BUSINESS:

- 5.1 S-01-11-22 a petition filed by Jackie Campbell (purchasing contract for deed from Tim Dowd) requesting a Special Use Permit to operate a trucking business in (A-1) Agricultural Zoning. The property is commonly known as 2595 Peru Road, Decatur, IL 62522. Blue Mound Township PIN: 02-11-26-300-017***

Jackie Campbell
2595 Peru Road
Decatur, IL 62522

Mr. Campbell stated he has lived here for 19 years, and his business has grown. Some of my semi's stay there and some of them do not but it is all agriculture. I am hauling grain for a lot of the farmers Hogan, Noland's just all the neighborhood people. We park the semis and we leave maybe 6:30 a.m. in the morning 7:00 a.m. and we do not come back until 4:30 p.m. - 5:00 p.m. There is nothing being offered at my address. I am not selling anything. There is no sign that says anything for sale. There is no dirt or rock, none of that, it is strictly grain and that is pretty much where I am at. I do want to state I have a neighbor, he rides by frequently Wayne Hurst every day. I am not trying to start nothing and not down talk him but this is an everyday deal. He will ride by, and he has been heavy on me lately and I don't know why. He has been on me turning me in for that, but I don't think I'm bothering anybody. All of my other neighbors, my next-door neighbor Craig Whitfield he worked for the Nolan's for many years. He drives semis for me off and on and I get along with everybody in the neighborhood. That is all I am trying to do I am not trying to do anything else but that.

Ms. Lamont asked do you work on your trucks there also in the big shed. You do your maintenance in the big shed?

Mr. Campbell said no, I take them to Lugari's and I have two over there right now. Lugari's works on all my trucks, I do not do any maintenance. I do not have any tools there or anything, no big garages nothing like that to work on them. I just drop them off and when they are done then they call me, and I pick them up.

Ms. Potrafka asked if there was any other equipment beside semis.

Mr. Campbell said that he has an excavator that has been there for many years. I dug a pond maybe 15 years ago for my kids. Preston and Jack, when they were born, and it has probably been there 15-16 years that is it. It is old and it just sits there. A guy drove by and took pictures, it is still sitting there. It runs and works, but I do not take it on jobs and it is not for hire or anything like that.

Mr. Grider said there is no office space or anything like that.

Mr. Campbell replied no office space I just have a little simple garage. It is a pool room and I have an in-ground pool. When you walk in there it is a pool room with a refrigerator, TV a little pool room that is all. There is nowhere I can pull my semis into. No garage or big pole barn to work on them. Like I said, there are no signs out front or anything like that and no debris.

Ms. Lamont presented an Exhibit that she passed out to everyone from the Road Commissioner.

Ms. Lamont asked if anyone had any questions

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

Finding of Facts

- The current owner would like to park his semi-trucks on his property when not in use. He has 2 employees who arrive around 6:00 a.m. They are then gone until around 6:00 p.m. hauling materials. At that time, the semis are parked until the next morning. No actual business will be conducted on the property.
- This petition was the result of receiving a complaint in our office about the petitioner running a business on the land.
- 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 was needed because this property is zoned A-1 Agricultural Zoning.
- Peru Road is a Blue Mound Township Road and is maintained by Blue Mound Township Road Commissioner Meredith Miller. After reaching out to Mr. Miller, he stated Peru Road is 16 feet wide and has no weight limit. There were no issues or concerns with the trucks traveling Peru Road.

EFFECTS ON GENERAL WELFARE: The establishment, maintenance, or operation of this Special Use will not be detrimental to or endanger the public health, safety, welfare, and morals.

EFFECTS ON NEARBY PROPERTY: The Special Use will not be injurious to the use and enjoyment of other property in the immediate

vicinity for the purposes already permitted or substantially diminish and impair property values with the neighborhood.

EFFECT ON DEVELOPMENT OF SURROUNDING PROPERTY:

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

ADEQUACY OF UTILITIES & FACILITIES: No known problems with required utilities and facilities.

INGRESS & EGRESS: No known problems with ingress and egress.

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

STAFF RECOMMENDATION: You may vote to approve or deny this petition or amend as appropriate. Staff has inspected the property and staff recommends **approval** with the following stipulations:

Stipulations:

1. This Special Use Permit constitutes a license issued to the named Petitioner 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 three employees other than the owner.
3. Advertising sign regulations on the subject property shall comply with Macon County Zoning Ordinance.
4. Building permits shall be obtained as required.
5. Said property and all operations shall be in compliance at all times with all applicable local, county, state, and federal regulations. Failure to do so will result in revocation of this special use permit and it will be effective immediately.
6. This special use permit shall be for a 2-year period beginning December 8, 2022 and ending December 8, 2024.

Mr. Baggett asked to recall the Petitioner because he had a couple of questions he thought might be appropriate to address. Ms. Lamont called Mr. Campbell back up to the podium.

Mr. Baggett said just for your own reference Mr. Campbell I am the board's attorney. I have a couple of legal questions for you. With respect to your petition, I think the way that you described the use of the property. Presently are you operating a business on the property?

Mr. Campbell replied that no, I park my semis there.

There is nothing being operated, and there is nothing be sold.

Mr. Campbell replied there is nothing to offer there.

Mr. Baggett asked are you accepting customers.

Mr. Campbell replied that no he works with 90% of farmers around the neighborhood.

Mr. Baggett said you are storing the trailers and truck there overnight and they are being taken off the property in the morning. They are doing their work wherever they are hauling something, and they are coming back and storing there at night is that correct.

Mr. Campbell replied yes.

Mr. Baggett asked you are hauling what?

Mr. Campbell replied grain and beans.

Mr. Baggett asked are these agriculture products.

Mr. Campbell said yes, either I am driving farm tractors or doing stuff for Gaither or whoever then I load them.

Mr. Baggett replied with respect to non-trucks you mentioned an excavator that you have used in the past to create a pond.

Mr. Campbell replied 15-16 years ago.

Mr. Baggett said and that is just being stored on the property.

Mr. Campbell replied yes.

Mr. Baggett asked you do own the property correct.

Mr. Campbell replied he is renting it or renting to own.

Mr. Baggett said you have permission with the owner to store the item there.

Mr. Campbell said I am buying it or just renting to own or contract for deed.

Mr. Baggett asked but you don't have any customers coming on to the property at any time.

Mr. Campbell replied not at all.

Mr. Baggett said you are not loading or unloading the trucks on the property.

Mr. Campbell replied not at all, there is no corn and no beans on my property being unloaded.

Mr. Baggett asked and you are not doing any type of processing on the property and you are not conducting business on the property. You are just storing the vehicles there overnight.

Mr. Campbell replied I am just storing the vehicles and I purchased a property on Bearsdale Road for \$100,000 from Ed Carrie Fleet Masters Trucking. They are in the middle of getting all his stuff out and she said she needs 6 months. I have a contract with them. The six-month contract for her is to get all of the property and all of her semis out. All of my stuff will be moved over there. I have lived here for 19 years and like I said, Wayne Hurst, I don't know him that well he is a neighbor, but he is harsh on everybody around there lately.

Mr. Baggett said let me ask you this, you are not planning on erecting any type of building to begin conducting business on the property is that correct.

Mr. Campbell replied if I was, I was going to have a pole barn built on my property. I went ahead and brought a whole different property.

Mr. Baggett said that is all the question that I have. I do have some comments for the board before a vote is taken.

Ms. Lamont said Tracy I do not know if this is the proper time to ask. Since it is already (A-1) Agricultural, does it really need the special use?

Ms. Sumpter replied that was the question that I spoke with Mr. Baggett about. I wasn't sure if it actually required it since it is zoned Agricultural and he is hauling agricultural products he is not actually conducting a business on the property.

Mr. Baggett said unless there are other questions from the members of the board or anyone in the gallery who wants to engage in the evidentiary portion. My commentary Madam Chair is that I do not think there is any prohibition or any reason not to move forward in making a recommendation to the County Board with respect to the special use permit. I do not think anything is lost by allowing it, but you may be able to put a nail in the coffin of any complaints. However, I would advise the board that based on what I've been told today by the Petitioner and sworn testimony, It does not appear that this is the operation of a business on agricultural land. It appears that this is an operation of agriculture on agricultural land and the storage of farm equipment including trailers or trucks that are used to haul or store grain or other agricultural products on the land is specifically not a violation of the County's Nuisance Ordinance. There would be no violation if this was complained of. The fact there are no buildings, no customers and no signage. There is just storage of agricultural products on land properly zoned for such. I do not know if this special use permit is necessary. If the Petitioner was to persist in getting the

special use permit to create some measure of peace going forward, I would not begrudge him that, but if a complaint was ever filed and referred to my office for prosecution I cannot see under these facts as I know them that it would be appropriate to try and file an ordinance violation and sue the Petitioner for violating an ordinance. I don't think he is in violation of the ordinance.

Ms. Lamont said my other question was since there is always somebody that is going to raise a fuss. If we do this, any farmers that have trucks that they hire out to haul grain and stuff from anybody else, wouldn't that require them to do this also?

Mr. Baggett replied that it doesn't create a hard and fast precedence. The board does not have any obligation to act in similar ways and similar circumstances by approving a special use permit. The County Board would not be inherently creating a new law that other landowners would have to abide by where they would have to suddenly file for this type of special use permit to do something that is already allowed by law. The County Board cannot create a law accidentally in that way. I do not believe it would be creating a precedence. I would understand if the Petitioner wanted to continue going forward to create peace of mind in finality with respect to the issue and what may be a noisy neighbor but legally as I understand the facts here today, I do not think it will be necessary for him to have a special use permit to continue doing what he is doing. If the Petitioner were to withdraw his application, I think it would be appropriate for the Board to order the fee refunded to the Petitioner. If the Board ultimately denies the petition or allows the petition, then the fees are appropriately assessed. I do not think it should be refunded in those circumstances.

Mr. Grider asked the Petitioner if he would like to withdraw his petition.

Mr. Campbell replied I would like to get it refunded but will that insure me if I kept that? That is what I am worried about. I am not picking but I can guarantee he is going to do it again and I have lived there for 19 years. He never did it and now here lately he is doing it to me and a lot of the other fellow neighbors.

Mr. Baggett stated all I can tell you is that anyone can file a complaint. We cannot stop people from filing a complaint. When complaints are received, they are investigated by the Planning & Zoning Department. If they feel that a violation has occurred or is occurring, they can refer it to the State's Attorney's office for prosecution. I am the Assistant State's Attorney who handles those prosecutions from my office and I have been for a number of years. I anticipate to doing the same for some time. I would not prosecute you under the facts that I currently know unless there is something out there that no one has told me yet and I am not saying that there is I am just saying I am going off the information.

Mr. Campbell said I am being honestly as forward as I can, and this has been going on for years with all the farmers in the neighborhood.

Mr. Baggett said I believe you Mr. Campbell I think you are credible I am just saying that unless there is other information out there that I currently don't have, I would not see myself proceeding with a prosecution. I can't promise you that a complaint won't be made or investigated but what

I can tell you is that under these facts I would not be prosecuting you for a violation because I don't think there is one.

Mr. Campbell replied that he would like to get a refund.

Ms. Lamont asked would you like to withdraw your petition.

Mr. Campbell said yes.

Mr. Baggett said the board would need to allow that to be withdrawn. There would need to be a vote on allowing the withdrawal. If it is allowed, I would recommend the fees be refunded.

Ms. Potrafka made a motion to approve, seconded by Mr. Grider. All members present voting Aye. Motion carried (5-0).

**5.2 V-02-11-22 a petition filed by Lilly LePaul & Zachary Kistenfeger requesting a variance to change the required lot size from 1 acre to .9 acres in (R-1) Single Family Residential Zoning. The property is commonly known as 8795 Countryside Drive, Dalton City, IL.
Mt. Zion Township PIN: 12-18-06-101-040**

Zachary Kistenfeger
8795 Countryside Drive
Dalton City, IL

Ms. Lamont stated there was a map up front if he wanted to use it. Mr. Kistenfeger said that Lilly could not make it. Lilly and I are neighbors, and I would like to build a detached garage building. She is willing to sell me a little bit of property to make that happen. I will explain why the amount is needed. If I was to buy the land from her it would take the ordinance of requiring one acre of ground down to .9 acres. (At this point Mr. Kistenfeger used a map to explain the property usage which is on file in the Planning & Zoning Office). Mr. Kistenfeger said that he has 1.41 acres. There is an area by the creek that is unbuildable. A few years ago I bought a building and lined up everything to be put up. Whenever we called to dig we found out there was a city waterline that comes down and across my yard and comes up and in crossing. What that waterline did is created an easement that I knew nothing about when I bought the place. When the water department came out to look for it they couldn't find it and they really didn't know where it was. They ended up finding it and found the path that it takes. (Mr. Kistenfeger is still referring to the map). I have to still keep that same easement on both sides of the waterline which pushes me down and a little bit further over and then the elevation change from the front to the back of the building is going to be almost 6 feet. What I am proposing is there will be 10 feet around the building that will allow me to make my slopes to get the elevation. It is still going to be 60 feet off the road but I will still need 10 feet at least to make the tapers. That is why it came up to the .22 acres of marking off.

Ms. Lamont asked if anyone had any questions.

Ms. Potrafka said she was wondering with the slope of the land and the way you are wanting to do the 10 feet, would that become a drainage issue.

Mr. Kistenfeger replied that it should not, and he has plans to have a professional excavator come out and do it. We have plenty of fall and our houses are both up higher than the creek. I have lived there for 11 years now, and I have been able to observe all the different rain falls. I have marks where I know where the water has been to and the highest point. I plan to be very conscious of everybody.

Mr. Grider asked if he would have a drive come in off the cul-de-sac.

Mr. Kistenfeger replied yes, because I can't cross over it. It will have its own driveway. That area has its own water line and it has a storm drain for the cul-de-sac there, so I must be conscious of all the utilities.

Ms. Lamont called on Ms. Sumpter to present her finding of facts.

Finding of Facts

- Petitioner Lilly LePaul would like to sell Mr. Kistenfeger .22 acres for the purpose of building a shed.
- The variance is needed to allow the minimum lot size to be reduced from 1 acre to .9 acres. Under the Macon County Zoning Ordinance, Section 155.183 states the minimum lot size for Single Family Residential Zoning is 1 acre.
- Due to the location of utilities and easements as well as the irregular shape of his lot, Mr. Kistenfeger is not able to build the structure on his property without the additional land.
- If the variance is granted, Mr. Kistenfeger would have the lot resurveyed and recorded.
- The property is not 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: Correct

INGRESS & EGRESS: Will be established with the passage of the Variance.

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 variance to change the required lot size from 1 acre to .9 acres in (R-1) Single Family Residential Zoning.

Motion to approve made by Mr. Grider, seconded by Mr. Hughes. All members present voting Aye. Motion carried (5-0).

**5.3 R-03-11-22 a petition filed by Advanced Disposal Services Solid Waste Midwest, LLC requesting to rezone approximately 3.75 acres from (R-4) Single Family Residential Zoning to (M-2) Heavy Industrial Zoning. The property is commonly known as 1025 S Bear Road, Decatur, IL 62522
Harristown Township PIN: 06-11-24-101-004**

Kate Duncan reported that she is an attorney with the law firm Ackerman LLP. I am the attorney for the applicant this morning Advanced Disposal Services Solid Waste Midwest, LLC. I am appearing this morning on behalf of the applicant in connection with its petition for rezoning the property located at 1025 Bear Road which is the subject property. Here with me this morning are Matt Cullison who is the District Manager for the applicant and manager of all hauling operations including all of the containers for the site. Joe Durako who is the Operations Manager for the applicant and specifically the Operations Manager for the landfill. Ron Houser who is the Site Manager for the applicant. The applicant is requesting a petition for rezoning of the subject property from (R-4) Single Family Residential Zoning to (M-2) Heavy Industrial Zoning pursuant to section 155.026 and 155.028 of the Macon County Zoning Code. An affiliate of applicant operates the property to the South (at this time visual aerial map display was used) Just to the South of there is the landfill operation which is operated by the applicant. Applicant currently uses a portion of the landfill site for container storage and container maintenance which she pointed out on the map. As the landfill plans for the future, it will need some additional soil storage areas on the landfill property. The applicant is seeking to move the container storage and the container maintenance to the subject property. Since the applicant has operated the landfill site including the container storage and maintenance areas it has not received any violation or citations and it is regularly inspected by Macon County Officials. (At this time Ms. Duncan presented a Power Point slide which is on file in the Planning & Zoning Office). Applicant acquired the subject property several years ago and it currently contains a residential building and two separate barn-shed structures. Proposed operation on the subject property which are consistent with the current operations on the landfill site. It will include storage of approximately 250 to 300 containers that are used for commercial operations along with the storage of some residential carts. Onsite inventory varies due to seasonal demand and containers will be empty when they are stored on the property.

Applicant will also perform some as needed maintenance and repairs on the subject property. Maintenance and repair work includes some minor welding and patching of the containers and also painting of the containers to keep them looking best. The subject property will not be open to the public or any customers, only employees and or contractors who will do the maintenance will be able to access the subject property. Drivers will be on the subject property approximately 5 days a week generally starting about 10 minutes to 5 in the morning until about 6:30 at night. If

there is a Federal Holiday, Saturday's will be utilized because there is no hauling on a Federal Holiday. Saturday's will be utilized for collection instead, so there will be occasional Saturday's for the site to be used as well. All of this is consistent again with applicant's current operations of the other site just to the South. (At this time Ms. Duncan presented a Power Point slide of the site plan which is on file in the Planning & Zoning Office).

Applicant is proposing to keep the existing gravel driveway of the property from Bear Road in place but it is also proposing to have a new connection since its boundary connects to the South with its existing landfill site. The trucks can come directly from the landfill site to the subject property and not need to go out on to Bear Road to access it. Applicant is proposing significant setback in all the yards. The container yards will be a gravel material within the North setback and the East setback both. Applicant is proposing to construct a wide landscape berm which will be for screening and for noise protection. The landscape berm is set inside on the North side boundary and the existing shrubbery line that is already very dense with trees and shrubbery. Inside of the landscape berm there will be a privacy and security fence. The site will be secured with a manual slide gate that will go across the access gravel driveway. There will also be a gate that will go where they open it to the South. The landscape berm will not only allow for visual improvement to the site but it will allow for noise barriers from the site. The landscape berm will act as a dust mitigation measure as well.

The applicant will also take other mitigation measures as it does on its current site. Dust mitigation measures include watering the site as needed and when water is not functional, applicant can use other dust suppressants such as calcium chloride or similar dust suppressant to minimize any dust that is created. With respect to the specific criteria in the zoning code required to demonstrate where the site can be rezoned. The first one is that the existing use of the property of the general area in question. The existing use of the property are the landfill to the South which currently contains the proposed operations. Other use in the general area includes some residential uses but while there are other residential uses those residents also have other businesses that they are operating on their property including outdoor container storage at the site adjacent to us. The next criteria for your consideration is the zoning classification of the properties within the general area. The landfill has a siting approval issued by the Illinois EPA.

The properties to the North and East of the subject property are zoned (R-4) but also contain existing uses that are maybe better suited in a different zoning classification since there are other businesses operating on those properties. The third criteria is the suitability of the property in question for uses permitted under the existing zoning classification. Since the landfill site is directly adjacent to the subject property we believe it is highly likely that the site will be a continued residential use. Other properties in the immediate area are also being used for similar types of storage uses and it is also not likely a new residential user will be interested in using that subject property solely for residential purposes. Finally the development in the area if any applicant has continued to use the property adjacent to the subject property for the landfill and seeks to do so for the foreseeable future in the applicants knowledge there has been no development in the general area of the subject property for many years. This would be consistent with trying to develop in the area. The proposed rezoning will allow the applicant to accommodate the additional soil storage necessary on the landfill property while still allowing

for the necessary container storage and maintenance operations to continue very efficiently for this area.

Ms. Duncan asked if there were any questions.

Ms. Lamont asked if anyone had a question or would like to speak.

Tom Oakley
1010 Bear Road
Decatur, IL 62522

Mr. Oakley stated he used to live at 1010 Bear Road right across the street from where they are at. He stated that he has his containers at this location and the property is zoned commercial. I have no problem with what they are doing, the only thing that I will ask is they will try and control the dust and the waterway. We have already discussed that and they are going to take care of that. There is a waterway going down through there and if they block that then they are going to back up all the water up on me.

Matt Cullison introduced himself as the District Manager for the hauling company at the subject site and said they will work with the property owners to be good neighbors and mitigate any dust or any water drainage solutions we have plans for.

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

Finding of Facts

- This is a rezoning from (R-4) Single Family Residential Zoning to (M-2) Heavy Industrial District Zoning.
- The rezoning is needed for the 3.75 acres to be used for container storage and light maintenance of said containers. The Macon County Zoning Ordinance Section 155.151 states the permitted uses for parcels zoned (M-2) Heavy Industrial District Zoning.
- The rezoning of this parcel is needed because it was not included in the original siting of the landfill. During that siting, zoning and land use were not applicable.
- I spoke with Dustin Burger from IEPA and he stated this would not require a new permit, rather they would need to apply for a permit modification. The modification would need to be obtained if rezoning is approved by the County Board.
- The surrounding properties are zoned: (R-4) Single Family Residential Zoning.
- There is 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 3.75 acres from (R-4) Single Family Residential Zoning to (M-2) Heavy Industrial District Zoning.

Motion to approve made by Mr. Grider, seconded by Ms. 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. Sumpter replied we do not have anything for next month.

ADJOURNMENT: Ron Grider made the motion to adjourn; Dennis Hughes seconded. All members present voting, Aye. Motion Carried. (5-0). Meeting adjourned at approximately 9:15 A.M.

Minutes submitted by Crystal Hugger, Macon County Planning and Zoning Dept.