

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street**

**Urbana, IL 61801**

**DATE: August 12, 2010**

**PLACE: Lyle Shields Meeting Room  
1776 East Washington Street**

**TIME: 7:00 p.m.**

**Urbana, IL 61802**

**MEMBERS PRESENT:** Doug Bluhm, Thomas Courson, Melvin Schroeder, Paul Palmgren

**MEMBERS ABSENT :** Catherine Capel, Roger Miller, Eric Thorsland

**STAFF PRESENT :** Lori Busboom, John Hall, J.R. Knight

**OTHERS PRESENT :** Shirley Schroeder, Tom Finger, Jim Finger, Linda Finger

**1. Call to Order**

The meeting was called to order at 7 P.M.

**2. Roll Call and Declaration of Quorum**

The roll was called and a quorum declared present with three members absent.

**3. Correspondence**

None

**4. Approval of Minutes (July 29, 2010)**

Mr. Courson moved, seconded by Mr. Schroeder to approve the July 29, 2010, minutes as submitted. The motion carried by voice vote.

**5. Continued Public Hearing**

**Case 671-AM-10** Petitioner: James Finger, President and Lisa M. Feig, Vice President, d.b.a. Triad Shredding, Inc. Request: Amend the Zoning Map to change the district designation from the AG-2 Agriculture Zoning District to the B-4 General Business District to allow Triad Shredding to construct a new facility as requested in related Case 672-S-10. Location: A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the southeast Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property at 2074 CR 3000N (US136), Rantoul.

**Case 672-S-10** Petitioner: James Finger, President and Lisa M. Feig, Vice President, d.b.a. Triad

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1 **Shredding, Inc. Request: Authorize Triad Shredding, Inc. to do recycling of non-hazardous materials**  
2 **(confidential paper shredding and recycling) with all processing and storage of materials taking place**  
3 **indoors in the B-4 General Business Zoning District as rezoned in related Zoning Case 671-AM-10.**  
4 **Location: A 4.35 acre tract in the East Half of the East Half of the Southwest Quarter of the Southeast**  
5 **Quarter of Section 33 of Harwood Township and commonly known as the Triad Shredding property**  
6 **at 2074 CR 3000N (US136), Rantoul.**  
7

8 Mr. Bluhm called Cases 671-AM-10 and 672-S-10 concurrently.  
9

10  
11 Mr. Bluhm informed the audience that Case 672-S-10 is an Administrative Case and as such the County  
12 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
13 show of hands for those who would like to cross examine and each person will be called upon. He requested  
14 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
15 that those who desire to cross examine are not required to sign the witness register but are requested to  
16 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
17 the cross examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are  
18 exempt from cross examination.  
19

20 Mr. Hall distributed a new Supplemental Memorandum dated August 12, 2010, to the Board for review. He  
21 said that the new memorandum does include some new and revised evidence. He said that there is a new  
22 proposed condition for Case 671-AM-10 which makes sure that if there are changes made to the existing  
23 driveway the changes are approved by IDOT. He read the condition which should be added as new Item  
24 #20.F on page 27 of 31 of the Finding of Fact for Case 671-AM-10, as follows:

25 The subject property fronts a State Highway. IDOT should approve the existing driveway or  
26 determine if any improvements need to be made to the existing driveway. The Zoning Ordinance does not  
27 require approval of driveway access to a state highway. The following conditions will ensure that the  
28 driveway access is approved by IDOT:  
29

- 30 **1. The petitioners shall provide IDOT with all information necessary to either approve**  
31 **the existing driveway for the proposed use or to determine what improvements are**  
32 **necessary to meet IDOT standards.**
- 33 **2. The Zoning Administrator shall not approve a Zoning Use Permit for the subject**  
34 **property without documentation of IDOT's approval of either the existing driveway**  
35 **entrance or the existing driveway with necessary improvements.**
- 36 **3. The Zoning Administrator shall not issue a Zoning Compliance Certificate without**  
37 **documentation of IDOT's approval of any newly constructed driveway entrance**  
38 **including any necessary as-built engineering drawings.**

39 The special conditions stated above are required to ensure the following:

40 **All traffic related to the proposed use can safely enter and exit the subject property**  
41 **with adequate visibility and regardless of weather conditions.**  
42

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1 Mr. Hall stated that the bridge guardrail goes right up to the driveway and there may not be any issue with  
2 this use, especially given the low amount of traffic, and he would be surprised if there are any changes  
3 required by IDOT. He said that if there are any changes that the Petitioner desires then those changes should  
4 be reviewed by IDOT. He said that Mr. Knight spoke to a permit technician at IDOT and they indicated that  
5 he would try to contact the petitioners, although it is unknown if this was done yet. Mr. Hall stated that the  
6 above condition is a standard condition that the Board reviews when properties front roadways under IDOT  
7 jurisdiction.

8  
9 Mr. Hall noted that there are five new items which actually appear in both the map amendment and the  
10 special use permit and they are all very favorable for the project. He said that in order to save time he will  
11 read the new evidence and all of the evidence that he will read, with the exception of the last one, will be  
12 added to both the map amendment and the special use finding of facts. He said that the last item of evidence  
13 is exclusively for the map amendment.

14  
15 Mr. Hall stated that the following should be added as new Item 12.C(1) on page 11 of 31 and new Item  
16 #13.B(1)(c) on page 16 of 31 of the Finding of Fact for Case 671-AM-10, and new Item #7.H on page 8 of  
17 24 of the Summary of Evidence for Case 672-S-10: In a phone call with J.R. Knight, Associate Planner, on  
18 August 4, 2010, co-petitioner Lisa Feig indicated the following: i: The petitioners discussed locating their  
19 business in the Rantoul Industrial Park but the Village did not want to locate a business such as Triad  
20 Shredding on any available properties; and ii: The petitioners discussed locating their business on properties  
21 in the former Chanute Air Base, but those properties are not under the Village of Rantoul's jurisdiction yet.

22  
23 Mr. Hall stated that the existing evidence for Item #12.D(3) should be renumbered as Item #12.D(3)(a) and  
24 the following added as new Item # 12.D(3)(b) on page 13 of 31; and the second sentence of Item #13.C(1)  
25 should be replaced with the following on page 18 of 31 of the Finding of Fact for Case 671-AM-010; and the  
26 second sentence of existing Item #8.E. should be replaced with the following on page 10 of 24 of the  
27 Summary of Evidence for Case 672-S-10: In a phone conversation with J.R. Knight, Associate Planner, on  
28 August 9, 2010, Chief Rich McFadden of the Gifford Fire Protection District indicated that the Triad  
29 Shredding property had been discussed at an officer's meeting of the fire department and no issues or  
30 concerns were raised.

31  
32 Mr. Hall stated that the existing evidence for Item #3.B(3) should be renumbered as Item #13.B(3)(a) and the  
33 following added as new Item #13.B(3)(b) on page 17 of 31 of the Finding of Fact for Case 671-AM-10, and  
34 the following should be added as new Item #8.N, renumbering as necessary on page 12 of 24 of the  
35 Summary of Evidence for Case 672-S-10: An EcoCAT report from the Illinois Department of Natural  
36 Resources indicated there are no endangered species of Illinois Natural Areas Inventory (INAI) sites in the  
37 vicinity of the subject property.

38  
39 Mr. Hall stated that the following should be added as new Item #15.B(1)(c) on page 20 of 31 of the finding  
40 of Fact for Case 671-AM-10, and revised Item #8.D(2) on page 9 of 24 of the Summary of Evidence for  
41 Case 672-S-10: A condition has been proposed to require the petitioners to meet any IDOT requirements  
42 regarding their driveway entrance to US136.

1  
2 Mr. Hall stated that the following should be added as new Item #16.E(2) and new Item #16.F on page 23 of  
3 31 of the Finding of Fact for Case 671-AM-10: (2) Policy 8.5.2 states, “The County will require in its  
4 discretionary review that new development causes no more than minimal disturbance to the stream corridor  
5 environment.” The proposed rezoning CONFORMS to Policy 8.5.2 because of the following: (a) An  
6 EcoCAT report from the Illinois Department of Natural Resources indicated there are no Illinois Natural  
7 Areas Inventory (INAI) sites in the vicinity of the subject property. (b) The proposed use will not affect the  
8 stream corridor, which is under the jurisdiction of the Dillsburg Special Drainage District. He continued to  
9 F. Objective 8.6 states, “Champaign County will encourage resource management which avoids loss or  
10 degradation of areas representative of the pre-settlement environment and other areas that provide habitat for  
11 native and game species.” The proposed rezoning ACHIEVES Objective 8.6 because of the following: 1.  
12 Objective 8.6 has six subsidiary Policies. Policies 8.6.1, 8.6.5, and 8.6.6 do not appear to be relevant to the  
13 proposed rezoning; and 2. Policy 8.6.2 is as follows: a. For new development, the County will require land  
14 use patterns, site design standards and land management practices to minimize the disturbance of existing  
15 areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance  
16 to such areas. He said that he will not read Item b. because it does not relate to the proposed rezoning  
17 although it should remain because it is part of the policy. He continued to read that the proposed rezoning  
18 CONFORMS to policy 8.6.2 because of the following: (1) An EcoCAT report from the Illinois Department  
19 of Natural Resources indicated there are no threatened or endangered species in the vicinity of the subject  
20 property; and (2) An EcoCAT report from the Illinois Department of Natural Resources indicated there are  
21 no INAI sites in the vicinity of the subject property. 3. Policy 8.6.3 states, “For discretionary development,  
22 the County will use the Illinois Natural Areas Inventory and other scientific sources of information to  
23 identify priority areas for protection or which offer the potential for restoration, preservation, or  
24 enhancement.” The proposed rezoning CONFORMS to Policy 8.6.3 because an EcoCAT report from the  
25 Illinois Department of Natural Resources indicated there are no INAI sites in the vicinity of the subject  
26 property; and 4. Policy 8.6.4 states, “The County will require implementation of IDNR recommendations  
27 for discretionary development sites that contain endangered or threatened species, and will seek to ensure  
28 that recommended management practices are maintained on such sites.” The proposed rezoning  
29 CONFORMS to Policy 8.6.4 because an EcoCAT report from the Illinois Department of Natural Resources  
30 indicated there are no endangered or threatened species in the vicinity of the subject property.

31  
32 Mr. Hall stated that the attachment to the Supplemental Memorandum dated August 12, 2010, is the  
33 EcoCAT report which documents that staff checked and there were no relevant resources in the vicinity. He  
34 said that he also distributed a separate attachment relating to Case 672-S-10. He said that staff realized that  
35 during the review of Item #9 of the special use case, which has to do with preserving the essential character  
36 of the district, the simple approach to the case is that it is a rezoning to B-4 and the use preserves the  
37 character of the B-4 district as an authorized use. He said that a more realistic view would recognize that  
38 this is B-4 surrounded by AG-2 and there are no concerns about spot zoning and it conforms to all of the  
39 County’s policies therefore staff would recommend that Item 9.E. be revised as follows: Regarding the  
40 requirement that the Special Use preserve the essential character of the district: (1) In regards to the  
41 proposed B-4 General Business Zoning District that is the subject of related Case 671-AM-10, the proposed  
42 use is non-hazardous materials recycling (all indoors), which is a business use and thus is assumed to part of

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1 the essential character of the B-4 District; and (2) In regards to the AG-2 District that borders each side of  
2 the property the proposed Special Use preserves the essential character of the AG-2 District because of the  
3 following: (a) the proposed Special Use is similar to a Truck Terminal or Contractor Facility which are both  
4 authorized by Special Use Permit in the AG-2 District; and (b) As documented in related Case 671-AM-10  
5 the proposed Special Use does not generate any wastewater as part of the business operations; and will have  
6 buildings that are similar to large agricultural pole barns; and is a use that is provided better in a rural area;  
7 and (c) As documented in related Case 671-AM-10 the proposed Special Use and rezoning will not interfere  
8 with surrounding agricultural activities or negatively affect agricultural drainage systems, rural roads, or  
9 other agriculture related infrastructure; and (d) A special condition in related Case 671-AM-10 will limit  
10 wastewater generation from business uses on the subject property to the equivalent of a three bedroom  
11 dwelling.

12  
13 Mr. Hall noted that tonight is the first time that the Petitioners have had the opportunity to review the  
14 proposed special condition.

15  
16 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

17  
18 Mr. Bluhm called Mr. Jim Finger to testify.

19  
20 Mr. Jim Finger, President of Triad Shredding Corp. thanked the Board for convening tonight's meeting to  
21 accommodate their request. He said that this is the first time that he has seen the proposed special condition  
22 regarding the existing driveway entrance. He said that they are not planning on changing the entrance  
23 because it is approximately 40 feet wide and the previous owner drove a semi. He said that over the past  
24 five years they had looked at approximately 54 different properties in and around the Rantoul area.

25  
26 Mr. Bluhm asked the Board if there were any questions for Mr. Finger.

27  
28 Mr. Schroeder asked Mr. Finger if he has any response from the neighbors about the proposed use.

29  
30 Mr. Finger stated that he has only received positive feedback. He said that many of the neighbors did not  
31 realize that there was a problem with the proposed use and zoning because the property previously housed a  
32 meat locker.

33  
34 Mr. Bluhm asked Mr. Finger if he had any issues with the special condition.

35  
36 Mr. Finger stated no.

37  
38 Mr. Palmgren asked Mr. Finger if there will be any noise issues with the proposed use and its machinery.

39  
40 Mr. Finger stated that they use very large industrial machinery and they currently operate within a building  
41 which has tenants on the opposite side of the wall and they have never received a complaint from those  
42 tenants. He said that the nearest neighbor from the subject property is approximately 500 feet therefore he

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1 does not see a big issue with the noise. He said that the building will be well insulated.

2  
3 Mr. Bluhm asked the Board if there were any additional questions for Mr. Finger and there were none.

4  
5 Mr. Bluhm asked if staff had any questions for Mr. Finger and there were none.

6  
7 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Finger and there was no one.

8  
9 Mr. Bluhm asked the audience if anyone would like to sign the witness register to present testimony  
10 regarding Cases 671-AM-10 and 672-S-10 and there was no one.

11  
12 Mr. Bluhm closed the witness register.

13  
14 Mr. Bluhm asked Mr. Hall if an item of evidence should be added indicating Mr. Finger's testimony  
15 regarding the fact that they have looked at approximately 54 properties within the last five years.

16  
17 Mr. Hall stated that it is good that the Petitioner can actually give that kind of detailed evidence. He said  
18 that the testimony is most relevant to Objective 5 which states "Champaign County will encourage urban  
19 development that is compact and contiguous to existing cities, villages, and existing unincorporated  
20 settlements." He said that Policy 5.1.1 states "The County will encourage new urban development to occur  
21 within the boundaries of incorporated municipalities." He said that the new evidence that was in the  
22 memorandum regarding Mr. Knight's discussion with Lisa Feig would also be relevant. He said that a new  
23 Item #13.A(2)(g) could be added to page 16 for Case 671-AM-10 which would state the following: Co-  
24 Petitioner Jim Finger testified at the August 12, 2010, public hearing that the petitioners have looked at 54  
25 properties in the past five years in the Rantoul vicinity and none were adequate or as well suited to the  
26 proposed use as the subject property.

27  
28 Mr. Knight stated that the same item could be added as new Item #7.I for the special use indicating public  
29 convenience.

30  
31 Mr. Bluhm asked staff if there were any new items of evidence to add to the Documents of Record.

32  
33 Mr. Hall stated that he would change the numbering and Item #6 should be the Supplemental Memorandum  
34 for Cases 671-AM-10 and 672-S-10 dated August 12, 2010, with attachment. He said that Item #7 should be  
35 Revised Item #9.E. in Case 672-S-10 Handout distributed at the August 12, 2010, public hearing; and Item  
36 #8 should be All Documents of Record for the related Zoning Case, which will be included in both cases.

37  
38 Mr. Bluhm stated that the Board will review the special conditions for Case 671-AM-10 at this time.

39  
40 Mr. Bluhm read the special conditions as follows:

41  
42 **A. The owners of the subject property hereby recognize and provide for the right**

1 of agricultural activities to continue on adjacent land consistent with the Right  
2 to Farm Resolution 3425.

3 The above special condition is necessary to ensure the following:

4 Provide conformance with policies 4.2.3 and 5.1.5.

- 5  
6 **B. Business use of the entire property shall not generate more wastewater than**  
7 **the equivalent of a three bedroom dwelling as specified in the *Illinois Private***  
8 ***Sewage Disposal Licensing Code*.**

9 The above stated special condition is necessary to ensure the following:

10 **No use that is otherwise allowed in the B-4 General Business Zoning District,**  
11 **but is not appropriate in a rural setting or best served by public sanitary sewer,**  
12 **Is established on the subject property.**

- 13  
14 **C. The Zoning Administrator shall not approve a Zoning Use Permit on the subject**  
15 **property without a letter from the Champaign county Health Department certifying**  
16 **as follows:**

17 (a) **The proposed use will not generate more wastewater than a three bedroom**  
18 **dwelling; and**

19 (b) **In the case that a new onsite wastewater disposal system is installed, the owner**  
20 **has consulted with the County Health Department and has identified the most**  
21 **appropriate location on the property for a wastewater treatment and disposal**  
22 **system and said location will be fenced and protected during other construction**  
23 **activities.**

24 (c) **In the case that an existing wastewater treatment and disposal system is used,**  
25 **the owner has consulted with the County Health Department and has**  
26 **determined whether the existing system is adequate for the proposed use of the**  
27 **property, identified the location of the existing system, and that said location**  
28 **will be fenced and protected during construction activities.**

29 The above stated special condition is necessary to ensure the following:

30 **The use of an existing onsite wastewater treatment and disposal system or**  
31 **the installation of a new system complies with all relevant and necessary**  
32 **requirements enforced by the Champaign County Health Department.**

- 33  
34 **D. The zoning Administrator shall not approve any Zoning Use Permit on the**  
35 **subject property unless the Zoning Use Permit Application includes floor plans**  
36 **for all buildings that explicitly indicate whether floor drains will be provided.**

37 The above stated special condition is necessary to ensure the following:

38 **The Zoning Administrator is able to review building plans for floor drains and**  
39 **ensure that proper procedures are followed in their installation.**

- 40  
41 **E. The Zoning Administrator shall not approve a Zoning Compliance Certificate**  
42 **without the following documentation:**

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- 1 (a) Any floor drain must have been approved by the Illinois Plumbing Code  
2 Inspector.  
3 (b) If the Certificate is approved after July 1, 2011, there must be a certification  
4 that the building complies with the 2006 edition of the International Building  
5 Code as required by 20 ILCS 3105/10.09-1.  
6

- 7 F. 1. The petitioners shall provide IDOT with all information necessary to either  
8 approve the existing driveway for the proposed use or to determine what  
9 improvements are necessary to meet IDOT standards.  
10 2. The Zoning Administrator shall not approve a Zoning Use Permit for the  
11 subject property without documentation of IDOT's approval of either the  
12 existing driveway entrance or the existing driveway with recommended  
13 proposed necessary improvements.  
14 3. The Zoning Administrator shall not issue a Zoning Compliance Certificate  
15 without documentation of IDOT's approval of any newly constructed  
16 driveway entrance including any necessary as-built engineering drawings.

17 The special conditions stated above are required to ensure the following:

18 **All traffic related to the proposed use can safely enter and exit the subject**  
19 **property with adequate visibility and regardless of weather conditions.**  
20

21 Mr. Bluhm asked the Petitioners if they were agreeable to the special conditions.  
22

23 Mr. Finger asked if, in the future, the property is sold would it remain under the B-4 zoning.  
24

25 Mr. Hall stated yes.  
26

27 Mr. Finger stated that they are agreeable to the special conditions.  
28

29 **Mr. Schroeder moved, seconded by Mr. Courson to accept the special conditions for Case 671-AM-10.**  
30 **The motion carried by voice vote.**  
31

32 Mr. Bluhm stated that Items #12, #12.C, #13, #13.A of the Supplemental Memorandum dated August 6,  
33 2010, indicate that they require Board action in regards to ACHIEVES/DOES NOT ACHIEVE.  
34

35 Mr. Hall stated that at a staff level everything is either ACHIEVES or CONFORMS.  
36

37 **Mr. Palmgren moved, seconded by Mr. Courson to accept staff's recommendations regarding**  
38 **ACHIEVES and CONFORMS. The motion carried by voice vote.**  
39

40 **Mr. Schroeder moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of**  
41 **Record and Finding of Fact as amended for Case 671-AM-10. The motion carried by voice vote.**  
42



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1 Mr. Courson moved, seconded by Mr. Palmgren to close the public hearing for Case 671-AM-10. The  
2 motion carried by voice vote.

3  
4 Mr. Bluhm informed the petitioners that three Board members are absent from tonight's meeting therefore it  
5 is at their discretion to either continue Case 671-AM-10 until a full Board is present or request that the  
6 present Board move forward to the Final Determination. He informed the petitioners that four affirmative  
7 votes are required for approval.

8  
9 Mr. Finger requested that the present Board move forward to the Final Determination.

10  
11 **Final Determination for Case 671-AM-10:**

12  
13 Mr. Palmgren moved, seconded by Mr. Schroeder that pursuant to the authority granted by Section  
14 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
15 determines that the rezoning requested in Case 671-AM-10 should BE ENACTED by the County  
16 Board in the form attached hereto. Subject to the following special conditions:

17  
18 A. The owners of the subject property hereby recognize and provide for the right  
19 of agricultural activities to continue on adjacent land consistent with the Right  
20 to Farm Resolution 3425.

21 The above special condition is necessary to ensure the following:  
22 Provide conformance with policies 4.2.3 and 5.1.5.

23  
24 B. Business use of the entire property shall not generate more wastewater than  
25 the equivalent of a three bedroom dwelling as specified in the *Illinois Private*  
26 *Sewage Disposal Licensing Code*.

27 The above stated special condition is necessary to ensure the following:  
28 No use that is otherwise allowed in the B-4 General Business Zoning District,  
29 but is not appropriate in a rural setting or best served by public sanitary sewer,  
30 Is established on the subject property.

31  
32 C. The Zoning Administrator shall not approve a Zoning Use Permit on the subject  
33 property without a letter from the Champaign county Health Department certifying  
34 as follows:

35 (a) The proposed use will not generate more wastewater than a three bedroom  
36 dwelling; and

37 (b) In the case that a new onsite wastewater disposal system is installed, the owner  
38 has consulted with the County Health Department and has identified the most  
39 appropriate location on the property for a wastewater treatment and disposal  
40 system and said location will be fenced and protected during other construction  
41 activities.

42 (c) In the case that an existing wastewater treatment and disposal system is used,

1 the owner has consulted with the County Health Department and has  
2 determined whether the existing system is adequate for the proposed use of the  
3 property, identified the location of the existing system, and that said location  
4 will be fenced and protected during construction activities.

5 The above stated special condition is necessary to ensure the following:

6 **The use of an existing onsite wastewater treatment and disposal system or**  
7 **the installation of a new system complies with all relevant and necessary**  
8 **requirements enforced by the Champaign County Health Department.**

- 9  
10 **D. The Zoning Administrator shall not approve any Zoning Use Permit on the**  
11 **subject property unless the Zoning Use Permit Application includes floor plans**  
12 **for all buildings that explicitly indicate whether floor drains will be provided.**

13 The above stated special condition is necessary to ensure the following:

14 **The Zoning Administrator is able to review building plans for floor drains and**  
15 **ensure that proper procedures are followed in their installation.**

- 16  
17 **E. The Zoning Administrator shall not approve a Zoning Compliance Certificate**  
18 **without the following documentation:**

19 (a) **Any floor drain must have been approved by the Illinois Plumbing Code**  
20 **Inspector.**

21 (b) **If the Certificate is approved after July 1, 2011, there must be a certification**  
22 **that the building complies with the 2006 edition of the International Building**  
23 **Code as required by 20 ILCS 3105/10.09-1.**

- 24  
25 **F. 1. The petitioners shall provide IDOT with all information necessary to either**  
26 **approve the existing driveway for the proposed use or to determine what**  
27 **improvements are necessary to meet IDOT standards.**  
28 **2. The Zoning Administrator shall not approve a Zoning Use Permit for the**  
29 **subject property without documentation of IDOT's approval of either the**  
30 **existing driveway entrance or the existing driveway with recommended**  
31 **proposed necessary improvements.**  
32 **3. The Zoning Administrator shall not issue a Zoning Compliance Certificate**  
33 **without documentation of IDOT's approval of any newly constructed**  
34 **driveway entrance including any necessary as-built engineering drawings.**

35 The special conditions stated above are required to ensure the following:

36 **All traffic related to the proposed use can safely enter and exit the subject**  
37 **property with adequate visibility and regardless of weather conditions.**

38  
39 The roll was called:

40  
41 **Courson-yes Palmgren-yes Schroeder-yes**  
42 **Bluhm-yes Capel-absent Miller-absent**

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1                   Thorsland-absent

2  
3 Mr. Bluhm stated that the Board will now review the special conditions for Case 672-S-10. He read the two  
4 special conditions as follows:

- 5  
6           A.     **The Special Use Permit in this case shall be considered null and void if the rezoning  
7 of the subject property in related Zoning Case 671-AM-10 is denied by the  
8 Champaign County Board.**

9                   The above stated special condition is necessary to ensure the following:

10                  **There is no confusion regarding the approval of this case if the related rezoning  
11 is denied.**

- 12  
13           B.     **If more than 3,138 square feet of impervious area is added to the subject property  
14 in addition to what is proposed in this case, the stormwater detention requirement  
15 of the Champaign County Stormwater Management Policy will apply.**

16                   The above stated special condition is necessary to ensure the following:

17                  **The requirements of the Champaign County Stormwater Management Policy  
18 are met at such time as they apply to the subject property.**

19  
20 Mr. Bluhm asked staff if there were any corrections, additions or deletions regarding Case 672-S-10.

21  
22 Mr. Hall stated that on Page 18 of 24 of the Revised Draft Summary of Evidence dated August 6, 2010, the  
23 first sentence in Item #11.1 should be renumbered to 11.A. and the second sentence in Item #11(1) should be  
24 renumbered to 11.B and revised as follows: In a phone conversation with J.R. Knight, Associate Planner, on  
25 August 9, 2010, Chief Rich McFadden of the Gifford Fire Protection District indicated that the Triad  
26 Shredding property had been discussed at an officer's meeting of the fire department and no issues or  
27 concerns were raised.

28  
29 Mr. Bluhm asked the petitioners if they were agreeable to the special conditions.

30  
31 Mr. Finger indicated that they were agreeable to the special conditions.

32  
33 **Mr. Schroeder moved, seconded by Mr. Courson to accept the special conditions for Case 672-S-10.**  
34 **The motion carried by voice vote.**

35  
36 Mr. Hall stated that in a case like this where there is a special use and a map amendment the Board has some  
37 discretion. He said that the Board could continue the special use and see what action the County Board takes  
38 but he believes that it is unlikely that there will be any concerns or things happen at the County Board that  
39 would require the ZBA to change the special use permit for. He said that if the ZBA moves forward and  
40 approves the special use it would send a signal to the County Board that the ZBA is very confident of their  
41 recommendation of the map amendment. He reminded the Board that it is their call as to whether to take  
42 action tonight or wait until the County Board makes their determination. He said that Special Condition A.

1 was included assuming that the ZBA would want to take action tonight.

2  
3 The consensus of the present Board was to move forward.

4  
5 **Finding of Fact for Case 672-S-10:**

6  
7 From the documents of record and the testimony and exhibits received at the public hearing for Case 672-S-  
8 10 held on July 29, 2010, and August 12, 2010, the Zoning Board of Appeals of Champaign County finds  
9 that:

10  
11 **1. The requested Special Use Permit, subject to the special conditions imposed herein,  
12 IS necessary for the public convenience at this location.**

13  
14 Mr. Palmgren stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
15 IS necessary for the public convenience at this location because the petitioner testified that over the past five  
16 years they had looked at approximately 54 different properties in and around the Rantoul area. He said that  
17 Triad Shredding is an existing non-conforming use that will be located along a highway.

18  
19 Mr. Hall stated that Triad Shredding is not an existing non-conforming use. He said that there has been a  
20 non-conforming business use on the subject property in years past.

21  
22 Mr. Palmgren corrected his statement in that there has been an existing non-conforming use, a slaughter  
23 house, on the subject property in the past.

24  
25 Mr. Bluhm stated that the subject property is centrally located to the businesses that it serves.

26  
27 **2. The requested Special Use Permit, subject to the special conditions imposed herein,  
28 is so designed, located and proposed to be operated so that it WILL NOT be  
29 injurious to the district in which it shall be located or otherwise detrimental to the  
30 public health, safety, and welfare.**

31  
32 **a. The street has ADEQUATE traffic capacity and the entrance location has  
33 ADEQUATE visibility.**

34  
35 Mr. Courson stated that the street has ADEQUATE traffic capacity and the entrance location has  
36 ADEQUATE visibility.

37  
38 **b. Emergency services availability is ADEQUATE.**

39  
40 Mr. Courson stated that emergency services availability is ADEQUATE because of the phone conversation  
41 that staff had with Chief Rich McFadden of the Gifford Fire Protection District indicating that no issues or  
42 concerns were raised.

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Mr. Palmgren stated that the subject property is less than three miles from Gifford and is about the same distance from emergency facilities in Rantoul.

**c. The Special Use will be designed to CONFORM to all relevant County ordinances and codes.**

Mr. Courson stated that the Special Use will be designed to CONFORM to all relevant County ordinances and codes.

**d. The Special Use WILL be compatible with adjacent uses.**

Mr. Courson stated that the Special Use WILL be compatible with adjacent uses because the petitioner indicated that their buildings will be constructed as a pole barn style building that are quite common in rural areas.

Mr. Bluhm stated that the petitioner testified that no complaints have been received from adjoining tenants in which they share their existing location regarding noise.

**e. Surface and subsurface drainage will be ADEQUATE.**

Mr. Palmgren stated that surface and subsurface drainage will be ADEQUATE because the letter from Bruce Stickers of the Champaign County Soil and Water Conservation District, received on July 27, 2010, indicates that there are no issues and there are no wastewater generation problems.

**f. Public safety will be ADEQUATE.**

Mr. Palmgren stated that public safety will be ADEQUATE.

**g. The provisions for parking will be ADEQUATE.**

Mr. Schroeder stated that the provisions for parking will be ADEQUATE.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

**3. a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the District in which it is located.**

**ZBA  
8-12-10**

**AS APPROVED SEPTEMBER 16, 2010**

1 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
2 DOES conform to the applicable regulations and standards of the District in which it is located.

3  
4 **b. The requested Special Use Permit, subject to the special conditions imposed**  
5 **herein, DOES preserve the essential character of the District in which it is**  
6 **located because:**

7  
8 **a. The Special Use will be designed to CONFORM to all relevant County**  
9 **ordinances and codes.**

10 **b. The Special Use WILL be compatible with adjacent uses.**

11 **c. Public safety will be ADEQUATE.**  
12

13 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein  
14 DOES preserve the essential character of the District in which it is located because: a. the Special Use will  
15 be designed to CONFORM to all relevant County ordinances and codes; and b. the Special Use WILL be  
16 compatible with adjacent uses; and c. public safety will be ADEQUATE.

17  
18 **4. The requested Special Use Permit, subject to the special conditions imposed herein,**  
19 **IS in harmony with the general purpose and intent of the Ordinance because:**

20  
21 **a. The Special Use is authorized in the District**

22 **b. The requested Special Use IS necessary for the public convenience at this**  
23 **location.**

24 **c. The requested Special Use Permit, subject to the special conditions imposed**  
25 **herein, is so designed, located and proposed to be operated so that it WILL**  
26 **NOT be injurious to the district in which it shall be located or otherwise**  
27 **detrimental to the public health, safety and welfare.**

28 **d. The requested Special Use Permit, subject to the special conditions imposed**  
29 **herein, DOES preserve the essential character of the District in which it is**  
30 **located.**  
31

32 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
33 IS in harmony with the general purpose and intent of the Ordinance because: a. the Special Use is authorized  
34 in the District; and b. the requested Special Use Permit IS necessary for the public convenience at this  
35 location; and c. The requested Special Use Permit, subject to the special conditions imposed herein, is so  
36 designed, located and proposed to be operated so that it WILL NOT be injurious to the district in which it  
37 shall be located or otherwise detrimental to the public health, safety and welfare; and d. the requested Special  
38 Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the  
39 District in which it is located.

40  
41 **5. The requested Special Use IS NOT an existing nonconforming use.**  
42

8-12-10  
ZBA

AS APPROVED SEPTEMBER 16, 2010

1 Mr. Palmgren stated that the requested Special Use IS NOT an existing nonconforming use.

2  
3 **6. The Special Conditions imposed herein are required to ensure compliance with the**  
4 **criteria for Special Use Permits and for the particular purposes described below:**

5  
6 **A. The Special Use Permit in this case shall be considered null and void if the rezoning**  
7 **of the subject property in related Zoning Case 671-AM-10 is denied by the**  
8 **Champaign County Board.**

9 The above stated special condition is necessary to ensure the following:

10 **There is no confusion regarding the approval of this case if the related rezoning**  
11 **is denied.**

12  
13 **B. If more than 3,138 square feet of impervious area is added to the subject property**  
14 **in addition to what is proposed in this case, the stormwater detention requirement**  
15 **of the Champaign County Stormwater Management Policy will apply.**

16 The above stated special condition is necessary to ensure the following:

17 **The requirements of the Champaign County Stormwater Management Policy**  
18 **are met at such time as they apply to the subject property.**

19  
20 **Mr. Schroeder moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents of**  
21 **Record and Finding of Fact as amended. The motion carried by voice vote.**

22  
23 **Mr. Courson moved, seconded by Mr. Palmgren to close the public hearing for Case 672-S-10. The**  
24 **motion carried by voice vote.**

25  
26 Mr. Bluhm informed the petitioners that three Board members are absent from tonight's meeting therefore it  
27 is at their discretion to either continue Case 672-S-10 until a full Board is present or request that the present  
28 Board move forward to the Final Determination. He informed the petitioners that four affirmative votes are  
29 required for approval.

30  
31 Mr. Finger requested that the present Board move forward to the Final Determination.

32  
33 **Final Determination for Case 672-S-10:**

34  
35 **Mr. Palmgren moved, seconded by Mr. Courson that the Champaign County Zoning Board of**  
36 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**  
37 **that the requirements of Section 9.1.11B HAVE been met, and pursuant to the authority granted by**  
38 **Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that the Special Use**  
39 **requested in Case 672-S-10 is hereby GRANTED WITH SPECIAL CONDITIONS, to the petitioners**  
40 **James Finger, President, and Lisa M. Feig, Vice President, d.b.a. Triad Shredding Corp to authorize**  
41 **Triad Shredding to do recycling of nonhazardous materials (confidential paper shredding and**  
42 **recycling) with all processing and storage of materials taking place indoors in the B-4 General**

ZBA  
8-12-10

AS APPROVED SEPTEMBER 16, 2010

1 Business Zoning District (the subject of related Zoning Case 671-AM-10). Subject to the following  
2 special conditions:

3  
4 A. The Special Use Permit in this case shall be considered null and void if the rezoning  
5 of the subject property in related Zoning Case 671-AM-10 is denied by the  
6 Champaign County Board.

7 The above stated special condition is necessary to ensure the following:

8 There is no confusion regarding the approval of this case if the related rezoning  
9 is denied.

10  
11 B. If more than 3,138 square feet of impervious area is added to the subject property  
12 in addition to what is proposed in this case, the stormwater detention requirement  
13 of the Champaign County Stormwater Management Policy will apply.

14 The above stated special condition is necessary to ensure the following:

15 The requirements of the Champaign County Stormwater Management Policy  
16 are met at such time as they apply to the subject property.

17  
18 The roll was called:

19  
20 Palmgren-yes Schroeder-yes Courson-yes  
21 Bluhm-yes Capel-absent Miller-absent  
22 Thorsland-absent  
23

24 Mr. Hall informed Mr. Finger that the Board has recommended an approval for the map amendment and an  
25 approval for the special use. He said that the map amendment will be forwarded to the Champaign County  
26 Board Committee of the Whole on September 7, 2010, with presumable final action by the full County  
27 Board on September 23<sup>rd</sup>.

28  
29 **6. New Public Hearings**

30  
31 None

32  
33 **7. Staff Report**

34  
35 None

36  
37 **8. Other Business**

38 **A. June and July, 2010 Monthly Reports**

39  
40 Mr. Hall stated that the monthly reports are supplied to the Board as information only. He said that except  
41 for zoning cases staff is seeing less of everything else than in previous years. He said staff will be seeking  
42 direction from the Committee of the Whole for two big text amendments at the September meeting. He said



8-12-10

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ZBA

1 that at the end of July 2010 there were 17 cases filed in 2010 versus 12 at the end of July, 2009. He said that  
2 2009 ended with 16 cases total therefore the Board will complete at least three more cases than they did in  
3 2009 and if any additional cases are received from the private sector the Board will complete even more. He  
4 said that in terms of permitting the numbers are much lower than they were in 2009. He said that a lot of  
5 progress has been made by staff to reduce the backlog of enforcement cases and big strides have been made  
6 in completion of the backlog of compliance inspections. He said that staff has been doing at least as much in  
7 terms of activity but it is mainly in the way of catching up on backlogs.  
8

9 Mr. Schroeder stated that, especially in regards to the previously heard cases, he appreciates staff and the  
10 petitioners bringing everything to the Board for review without having to continually request additional  
11 information. He said that such a practice makes the Board's work much easier.  
12

13 **9. Audience Participation with respect to matters other than cases pending before the Board**

14  
15 None  
16

17 **10. Adjournment**

18  
19 The meeting adjourned at 7:57 p.m.  
20  
21  
22

23 Respectfully submitted  
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28 Secretary of Zoning Board of Appeals  
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*DRAFT SUBJECT TO APPROVAL DRAFT*

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*DRAFT SUBJECT TO APPROVAL DRAFT*

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