

#16-88

**Marshall County Zoning Board of Appeals Public Hearing
October 20, 2016 Marshall County Courthouse – 7:00pm
ZBA # 16-192 Application for Special Use Permit–Michlig Energy LTD**

Zoning Board of Appeals Members Present: Chairman, Kyle Schumacher, Tim Gensler, Ken McKee, Allen Toepper and Rebecca Donna.

Members Absent: Chuck Volker and Pat Sloan.

Others present: Andy Stash, Jack Johnson, Steven Michlig and Susie Simmons Secretary.

The hearing was called to order at 7:02 pm by Chairman, Kyle Schumacher.

Steven Michlig was sworn in by Chairman, Kyle Schumacher and was identified as the petitioner.

Zoning Secretary, Susie Simmons presented ZBA #16-192 Application for Special Use Permit to construct a storage site for gasoline, diesel & biodiesel at 1515 County Road 50E, Bradford, Illinois. On the south end of the property the site will consist of four 20,000 gallon double wall fuel tanks. Also construct a cement 24 x 36 spill pad and transfer pumps.

Susie Simmons presented the Certifications of Publication dated October 1, 2016 from the Lacon Home Journal and Henry News Republican dated September 28, 2016. The secretary identified adjacent parcel locations as he presented certified letter receipts from adjacent property owners: Raymond L Code Jr., David Q Bassler, Ringness Real Property Trust, Vince Allen Copple, Daniel McKean, Bryce Edwards and Land Trust #1.

In the statement by the petitioner, Steve Michlig stated that his business has picked up and wanted to expand his business. This site will service his customers in this area. He will follow the State Fire Marshall rules and regulations when developing this site. The tanks will placed in a row, they are double walled with a bottom load scully system. The tanks will be locked at night and possibly during the day. They will have shut off valves for safety and the when loading or unloading they will be on the spill pad for containment.

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Questions form the ZBA Members:

Question: Will the pad for the tanks be concrete?

Response: No cement under tanks. They will have a metal ring with pea gravel. The tanks will be bottom load with automatic shut off valves when they get close to being full.

Question: Will there be a berm around the facility?

Response: No

Question: Barricades?

Response: No

Question: Will there be a sup pump?

Response: Yes, for rain water only.

Question: Will the facility drain towards the lake and contaminate it?

Response: All that will drain towards the lake will be rain water. If a fuel spill occurs it will be cleaned up with no drainage. The pad is designed to contain a spill and it can hold up to 5,000 gallons of spillage.

Question: Are the sides rounded up?

Response: Yes, you drive down into it when loading and unloading.

Question: Where is the sup pump located?

Response: On one corner. The drain has a shut off valve and we open it up to let rain water out. If we have a spill we follow all EPA rules and regulations. If spilled on gravel the EPA has you dig up the area and spread it out over a larger area and then it will dissipate over time.

Question: What if a train derails?

Response: If a train is going fast enough I guess it could cause damage. Not likely to happen.

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Question: How far away from the tracks are you supposed to be?

Response: The Fire Marshall states 25 feet away. For passenger trains it is between 40 feet to 50 feet away.

Question: How far are you away from Crow Creek?

Response: Approximately ¼ of a mile. There is a road between the creek and the property.

Question: What about permits?

Response: Yes I will get all permits required by the state. I have to get this Special Use Permit approved before I can get the Fire Marshall and EPA permits.

Question: How soon will you start construction?

Response: As soon as the board approves this permit. I missed the deadline for the September ZBA Hearing so I had to wait for the October meeting.

Written or Oral Messages in Support of the Petitioners:

None

Written or Oral Messages in Objection of the Petitioners:

None

Questions from the ZBA Members to Supporters and Objectors:

None

Questions from Objectors and Supporters to Petitioner:

None

Questions from ZBA Members to Petitioner, Supporters and Objectors:

Question: Does the state complete safety checks?

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Response: They are supposed to do them. But we do monthly checks ourselves. The valves are set up to be one way valves that is standard on this kind of operation.

Question: Will you maintain the road?

Response: Yes, it will be gravel and chip to the main roads. I will follow all posted road limits. If I can't use the surrounding roads I will pull fuel from my other sites.

Question: Do you have a LP tank on this site?

Response: Where the grain elevators are there is one. It was used for drying grain at that location. We do not do than anymore.

Question: How will the fuel be delivered?

Response: On tanker trucks.

Petitioners closing statement:

None, I'm good.

Fact Finding:

Chairman, Kyle Schumacher reviewed Section 6.5 C 1, Standards for Special Use Permit, of the Marshall County Zoning Ordinance.

Section 6.5 Special Use Permit, 6.5 C 1

- 1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Finding: This operations is up to date on the standards and regulations. They will do monthly checks for safety and someone will be there on a daily basis. Will use all safety measures. No issues.

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2. That the special use will not be injurious to the use of enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair values within the neighborhood.

Finding: No issues – it will be an improvement to the area.

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Finding: No impediment.

4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.

Finding: All utilities are across road and in place. Will follow all road postings in the county.

5. The adequate measures have been or will be taken to provide ingress and so designed as to minimize traffic congestion in the public streets.

Finding: No ingress or egress.

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

Finding: Will conform to this ordinance.

After determining that the application meets the Standards for Special Use Permit, A motion was made by Tim Gensler to recommend to Grant the Special Use Permit #16-192 to the Marshall County Board. Allen Volker, Seconded. A vote of All Ayes. Motion carried.

Allen Toepper made a motion to adjourn the hearing at 7:40 pm. Tim Gensler, Seconded. A vote of All Ayes. Motion carried.