

MINUTES OF THE OTTAWA PLAN COMMISSION MEETING

June 19, 2013

Chairman Brent Barron called the meeting to order at 7:00 p.m. in the Ottawa City Council Chambers.

ROLL CALL

Present: Barron, Burns, Howarter (arrived late), Perry, Reagan, Stone, Volker

Absent: Buiting, Less

Others: City Planner Tami Huftel, Mayor and City Council, City Counsel Keith Leigh

MINUTES OF PREVIOUS MEETING

No minutes of previous meetings were presented.

This is a special joint meeting of the Ottawa City Council and the Ottawa Plan Commission. Mayor Eschbach introduced attendees on the dais. He advised audience members that this would be an opportunity for both groups to hear first hand and at one time public comments regarding the ADM and ART CO. zoning and conditional use requests for property along East Illinois Route 71. He summarized the annexation agreement for the property and upon opening the Public Hearings the Mayor noted that no Council decisions would be made at this meeting. (Refer to the City Clerk's minutes of the City council's portion of this meeting.)

NEW BUSINESS

The Mayor turned the Public Hearing over to Chairman Barron and the OPC members at 7:34 p.m. Howarter requested that the written comments that have been received be included as part of this record (see attached).

- a. Public Hearing – Request for the initial zoning of R (Rural) District Zoning for three parcels of property situated at or near 1481 and 1495 E. Illinois Route 71.

Chairman Barron opened the meeting to public comments. Brett Madison, Director of Terminal Services for ADM, reviewed the history of the ADM site requests and noted that this terminal has been in existence since the 1950's prior to any residences being built in the immediate area. He added the following: 1.) Sand and grain loading/unloading will not be done at the same time. 2.) There are plans for a 17' x 30' building addition that will fully enclose trucks during unloading. 3.) Another storage tank may be constructed (25'D x 92'H) but it will not exceed the size of current storage. 4.) There are going to be trucks traveling past the residences regardless of their destination. ADM's position is to do what they can to do the best for the neighbors. Their belief is that there will be a maximum of 4 trucks at a time in line for unloading (approximately 22 minutes each). There is room for 20 trucks at a time on their property without going out on to the highway. Barge switching for sand will be the same as grain, one every 2-3 days. Volker and Perry expressed concerns about the air quality. Madison advised it is up to the EPA for enforcement but that ADM will be in compliance with all aspects and requirements for the operation of their business. Other questions and concerns included: hours of operation, # of grain trucks daily also using facility, plans for Parcels 1 and 3, volume (#) of trucks are making return trips as well, not going just one way, health and noise issues. Nearby resident Peggy Enquist said she felt neighbors

had lost the war as long as Mississippi Sand got permission, the sand is going to go somewhere. Adding she felt the administration is bearing the brunt of the decision and there's not much the residents can do now but ask for someone to help them out with their concerns. Rick Scott (former Ottawa Fire Chief and LaSalle County Board member) said that at the County Board hearings, they were advised that there would be a minimum of 88 trucks/day. He added that dust is considered a hazardous material, the EPA is low-staffed (only 2 people in the entire region do testing) and wondered how the dust from the sand going into the barges is going to be contained. Farley Andrews questioned the requirements of ADM/ART CO to stack barges and added we have no idea what's going to come when Mississippi Sand works 24/7. Madison said the Corps and the Coast Guard control this aspect of river regulations.

OPC members then questioned if they could have IDOT look at doing another traffic study. Burns noted that the study on file was done on a Thursday in May and not a true picture of the traffic in the area. Other concerns of controlling/limiting stacking and numbers of docks were also discussed. Barron reminded audience members that the OPC can recommend conditions if the property is annexed. At that time, a copy of the LaSalle County Board's Ordinance (#12-88) was read that outlines their conditions for a County Special Use Permit for this site (see attached). Following additional comments by OPC members, Chairman Barron asked if there were any more questions or comments regarding the zoning of the ADM property. There being none, this portion of the Public Hearing was closed.

Chairman Barron then asked members if they wished to deliberate the request at that time or on a different night. Many questions resurfaced regarding traffic counts, needing experts to be called in to make judgments, noise studies, limits on air pollution, does ADM have the ability to monitor itself elsewhere besides inside their facility, what to do to protect the neighbors, etc. It was noted that the Public Hearing was closed and the OPC cannot accept any additional evidence. It was now time to make a decision or continue deliberation with a decision needing to be made within 30 days.

City Counsel Keith Leigh reminded OPC members that they were empowered solely with the matter of the zoning request. Matters regarding current uses, air quality, health issues, etc. was not part of their charge. They were there to only determine/vote whether or not they would recommend "R" zoning if the property were to be annexed into the City of Ottawa.

Mayor Eschbach then closed the annexation portion of the Council's agenda and advised no action by them would be taken at this meeting.

It was moved by Howarter and seconded by Perry that the OPC recommend the City Council approve the request by ADM and ART CO. for R Zoning for property located on East Illinois Route 71 (if annexed into the City of Ottawa). Motion carried unanimously.

b. Public Hearing – Request for Conditional Use for property at 1481 & 1495 E. Illinois Route 71.

Due to the late hour, members agreed discussion on this matter should be held at another time. It was moved by Howarter and seconded by Volker that the Public Hearing concerning the Conditional Use request by ADM and ART CO. be adjourned. It was noted that the Public Hearing should be recessed, not adjourned. It was moved by

Howarter and seconded by Volker that the Public Hearing concerning the Conditional Use request by ADM and ART CO. be recessed until Monday, June 24. Motion carried unanimously. OPC members that have suggestions regarding what conditional uses should be considered were asked to have them to Tami by Friday, June 21.

Respectfully submitted,

Deborah L. Burns
Secretary

Section XIX of the City of Ottawa Zoning Ordinance states the Plan Commission shall submit an advisory report to the City Council. The Plan Commission shall not recommend nor shall the City Council grant an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it concerning the following matters:

1. *Existing use(s) and zoning of the property in question;*

The parcel is under the county zoning as A-1 agriculture.

2. *Existing use(s) and zoning of other lots in the vicinity of the property in question;*

When analyzing the impacts of this rezoning it is necessary to look at the surrounding property uses and their zoning. Below is a list of the uses and the zoning of the properties surrounding the subject parcel:

North: City of Ottawa - E (Industrial)
South: County Zoning
West: County Zoning
East: County Zoning

3. *Suitability of the property in question for uses already permitted under existing regulations;*

The parcels are within the County's zoning regulations. In order to be annexed into the city the property must be zoned.

4. *Suitability of the property in question for the proposed use;*

Under the R Rural District agriculture grain elevators are a permitted use and commercial grain elevators is a conditional use. These parcels have been a Barge Fleeting Operation for many years transloading grain. Therefore this use feels rural in nature.

Just for your information when the City had mile and half zoning authority, these parcels were zoned D (Commercial and light industrial).

5. *The trend of the development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last zoned; and*

With Ottawa Silica mining operation across the roadway and Mississippi Sand being built west on Route 71 the trend of the area is industrial with large setback to protect our views along the roadway.

6. *The effect the proposed rezoning would have on the City's plans for future development.*

The Comprehensive Plan recommends the future land use of this area be Open Space Conservation Area and provide large setbacks. The applicant intends to grant the city conservation easements along Covell Creek. Therefore, this use fits the comprehensive plan.

It appears the requested rezoning is in compliance with the criteria identified in the City of Ottawa Zoning Ordinance. As always, Staff recommends Plan Commission discussion and public comment.