

MINUTES OF THE LIVINGSTON COUNTY
REGIONAL PLANNING COMMISSION MEETING
HELD ON DECEMBER 7, 2015 AT 7:00 PM
IN THE LIVINGSTON COUNTY HISTORIC COURTHOUSE
112 W. MADISON ST.
PONTIAC, ILLINOIS

Chairman called the meeting to order and roll call was taken.

Those present were: Jerry Gaspardo, Mike Haberkorn, Rudy Piskule, Verne Taylor, Keith Bahler, Dean Wahls, Dee Woodburn and Richard Runyon.

Those absent were: Scott Cranford, Eddie Hoerner, Scott Sand, Luke Bartlett and Shane Long.

APPROVAL OF THE AGENDA:

Chairman Haberkorn mentioned the agenda for this meeting. With no recommendations for additions or amendments to the agenda for this meeting, Dee Woodburn moved, seconded by Jerry Gaspardo, that the agenda for this meeting be approved as presented. This motion was approved.

APPROVAL OF MINUTES:

Minutes of the November 2, 2015 meeting were mentioned by Chairman Haberkorn. Then with no comments being made Chairman Haberkorn declared that these minutes be approved as written.

BUSINESS:

Case SF-3-15; Pertains to a request by Russell & Laura Rich for the approval of a final plat of subdivision. The subject property in this zoning case is a 7.70 acre tract of land being Lot 14 of Richwood Estates, of which the applicant would like to create two 3.635 acre lots. This subject property is located in the Northwest Quarter of Section 25 of Rooks Creek Township. A variance pertaining to the proposed lot width will also need to be reviewed and approved for this subdivision to have a final approval. Notice of public hearing has been made regarding this proposed subdivision and lot width variance, and surrounding property owners have been notified of this proposed re-subdivision. Mr. Schopp presented his report with exhibits and other information relative to this zoning case. Some owners of property in the Richwood Estates subdivision provided a copy of a document to the regional planning commission members that contained the Richwood Estates Subdivision Declaration of Covenants, conditions, and restrictions, along with some copies of letters from other Richwood Estate Subdivision property owners, with these letters expressing concern about the proposed resubdivision.

Russel (Rusty) Rich along with his brother Robby Rich were present at this meeting, and Rusty Rich commented about his development of the subject property, and about how he would not like to divide the property into two lots. They noted the variance request, in part by using a google map to show the existing lane location and the lot width variance request in relation to that request. Mr. Rich mentioned the minimum subdivision requirement of 1.5 acres and that they are requesting lots of 3.635 acres, larger than the minimum requirement.

Scott Bauknecht, and adjoining property owner to the subject Russel Rich property, made some remarks to the regional planning commission members. Mr. Bauknecht handed out a packet with colored google maps, and copies of multiple letters from some area property owners. Because of other commitments Mr. Bauknecht acted as the spokesman for the people who own property in Richwood Estates subdivision. Letters in the packet include testimony from owners of twelve of the properties in Richwood Estates. In his letter, Mr. Bauknecht stated first that he is opposing this request since he does not believe that the Rich's can legally request the approval of the petition and the variance, in that in the covenants, of which are part of his hand out packet, Dated July 11, 2002, Section 3 relates that each lot should be used for the development of a single family residence and no other purpose. Mr. Bauknecht related that he is prepared to file an injunction to stop this development until that can have some of the covenant point clarified as to their meaning. So they are opposed to the proposed land division and variance. Mr. Bauknecht explained that when they bought their property they understood how the subdivision had been divided and about the covenants and they now are opposing the planned subdivision change since it changes the aspect of the subdivision of which they purchased property and developed a house. They purchased multiple lots for privacy and to allow for them to place their home in a desirable place for them. The location of the existing Russel and Laura Rich home was a factor in them determining the location of their home, assuming no more homes would be developed between them, maintaining attractiveness, privacy and water flow through the area. Mr. Bauknecht then referenced the Tarr letter, which is part of the handout. In regard to the proposed 35 foot variance they are opposed to it for multiple reasons. Number one they not aware of any other variances in the subdivision, number 2 the variance would allow for the petitioner to maintain the location of his driveway and applicant wants to financially gain from the sale of an additional lot, and number 3 a new drive near the Bauknecht property would detract from the attractiveness of their property and devalue their property. It would also reduce the quietness and private aspect of their neighborhood. Number 4 a new drive in the proposed area would require the removal of some valued trees. The value of trees is noted in a subdivision covenant, and an option exists for the applicant moving his drive to allow for a new drive with in the 150 lot width requirement saving trees. Finally, number 5, the 35 foot variance requested area is a low area, and they are concerned about how drainage in the area would be affected. The petitioners had an opportunity to create more lots when they originally subdivided the land, or first platted the subdivision, which may have affected their tax bill. New lots are at the expense of the other property owners, not part of the financial gain of the applicants. Mr. Bauknecht then remarked about past contact with the applicants, to discuss this land division proposal and the covenants.

Mr. Bauknecht planned to look at changing some of the covenants and Robbie Rich was to look at possibly subdividing some lots off his larger lot. And all was to be brought into one meeting.

However, Mr. Bauknecht believes if it can be tabled then they may be able to reach an agreement that would benefit all of them, with covenant changes and the new lots. Mr. Bauknecht believed they needed sixty days to work on this, especially with the holidays. Mr. Bauknecht then referenced page 18 of the google maps, part of his handout that depicts a tree buffer that is important to him to be maintained.

The planning commission members asked about the drainage in the area.

Adam Munch read his letter which was part of Mr. Bauknecht's handout. The planning commission members confirmed the location of Mr. Munch's lot, and they inquired as to how the number of lots makes a difference. Mr. Munch responded that the number of lots could have made a difference, considering potential increased traffic. The number of lots would have made a difference for Mr. Bauknecht.

Dr. William Scharf read his letter, of which a copy was part of Mr. Bauknecht's handout. Planning Commission members noted that a flag lot was being created, while other planning commission members inquired as to the last discussion area property owners had about this situation. A discussion in changing the rules was discussed, with the Riches noting hindsight is 20/20, in how they did and how they plan on dividing their property. Mr. Bauknecht reviewed standards of the variance, and a need to look at that variance first. He questioned if #4 on value would not be met. He also questioned if #7 on giving privileges would be met. If the variance cannot be approved can the subdivision be approved was questioned. The planning commission members noted that from previous comments, it is hoped that the property owners with Richwood Estates would be able to find common ground in this matter. It is still believed that they can find common ground, in amending the covenants, maintaining tree buffers, and no buildings in a clearing. Building lines on lots were discussed. Dr. Scharf commented about how this is an appropriate time to address amending the covenants, now that all of the lots have been sold.

Noting an impasse Rudy Piskule moved, seconded by Jerry Gaspardo, that the Livingston County Regional Planning Commission recommend that Livingston County Zoning Case SF-3-15 be tabled until the February 1, 2016 Livingston County Regional Planning Commission meeting to allow for the applicant and area property owners to reach an agreement on their subdivision affairs. This motion was approved by a unanimous voice vote.

Case SU-3-15; Pertains to a request by Stephen Ziegenhorn for the approval of a special use to allow for a campground, in an AG, Agriculture, District. The subject property in this zoning case is a part of an irregularly shaped parcel of land generally located in the Quarter of Section of Township. Notice of public hearing has been made regarding this proposed special use and surrounding property owners have been notified of this proposed special use. Mr. Schopp presented his report with exhibits and other information relative to this zoning case, noting that this was a hearing being continued from the last planning commission meeting.

The regional planning commission members were presented with copies of more information on rules/bylaws for the property use and more detailed information on this proposed campground development which may assist them in making a recommendation pertaining to this proposal.

The planning commission members and Mr. Ziegenhorn then had a discussion on this proposed development. Mr. Ziegenhorn responded that only 34 of his 65 acres would be used for the proposed campground and that he plans on starting his campground development with just ten cabins, and if they expand they would come back for approval of additional cabins. Mr. Ziegenhorn related that the recreational aspect of the site would generally be fishing, and people could bring games with them. Mr. Ziegenhorn said it is to be a simple campground. Mr. Ziegenhorn said he is keeping it small to start in part for insurance purposes, and he wants the use to remain the same for fishing, taking pictures and just sitting around at a quiet place. Mr. Ziegenhorn related that RV's are off the table for now. Neighbors then joined the discussion with area property owner Frank Nestor noting he had purchased land south of the site, and he has divided that land into parcels. Mr. Ziegenhorn described the location of the proposed campground, on his property away from the Nestor property.

RV exclusion language was discussed, with the current request to include just approving cabins and tenting. Cheryl Hoffman as an area property owner and resident commented on how this area will no longer be as quiet with the proposed campground, with more people being in the area. She expressed more concerns about additional traffic on the curvy roads in the area. Concerns about more strangers in the area were expressed. Nestor's extra lots were then discussed, which could generate more people in the area. Jerry Gaspardo then commented about him and his family operating a campground. Mr. Gaspardo noted that campgrounds are used by people from all walks of life, and he commented about his experiences. Mr. Gaspardo noted he would not allow golf carts if he had to operate a campground again. Mr. Gaspardo remarked that he thinks that it is bizarre to start a campground in Mr. Ziegenhorn's point in his life, and he would not advise it because of the work it entails to operate a campground. Mr. Ziegenhorn noted that most of his campers would be families, and Mr. Gaspardo noted how it may still be difficult to control, and that they would need someone on site all of the time. RV's not being permitted was discussed again, and how they have a different set of rules. The location of neighbors was then discussed, in part in relation to noise. Other neighbor concerns were discussed about future, questioning a need for Fairbury's need for rooms. Mr. Ziegenhorn noted his family has stayed in motels in Bloomington before. Mr. Ziegenhorn then noted that the property which has been in his family since the 1940's, and that during the past 20 years he has put the equivalent of \$400,000 worth of work into and on this property, improving the creek and the land, he has a right to use the land as he would like. He wants people to enjoy the property, and he is a steward of the land. Mr. Ziegenhorn noted that the pavilion is built, and that the cabins would be portable. Flood plain elevations were then discussed. Parking areas were then discussed. Septic system location and sizing was discussed, and numbers in relation to numbers of cabins and tenting was discussed. Mr. Ziegenhorn questions how many tenters will use the property, but he is concentrating on the numbers for developing a septic system.

The planning commission members discussed a way to limit the number of people to limit the development, and the 120 is a maximum number to work off of. So 10 cabins can limit 40 people, and tents so many. Special event numbers were then discussed. Mr. Nestor commented about the standards of special uses and he questions if this could be injurious, with a realization of keeping it small can make this development work, especially with a review. Mr. Ziegenhorn noted that his sons are involved in the ownership of this property with him, and the terrain of the property indicates the camping area, which was noted on a map. The flood zone area was then discussed. Mr. Ziegenhorn believes that only 120 people would be on the property for special events. Review of special uses was then discussed. Area property owners discussed police patrol and security of the property with Mr. Ziegenhorn. Jerry Gaspardo mentioned security at their campground. Use of the campground by race patrons was then talked about, and how RV overflow at the campground would be desirable by Fairbury, is not be proposed for this site at this time. Mr. Ziegenhorn mentioned that the site was modeled like a KOA campground. How the site will be assessed for taxes will need to be determined by the tax assessor, as was concluded after a dialogue on taxes on the property. Mr. Ziegenhorn noted that he has a hydrant on his pond for fire protection use, and he will deal with anybody, as he intends to have a nice place. He plans on having 10 cabins for you to come out and enjoy yourself. Tents may be good to allow for children and grandchildren stay close to adults staying in the cabins. The timing of special use reviews and reviews were further discussed. Other potential special use conditions were discussed, including ownership and numbers of people using the site. Mr. Ziegenhorn would be pleased if 40 people a day would camp there. Then limiting potential people on site to 120 for special events was discussed. 120 would be a bathroom limit. Mr. Ziegenhorn would like for someone to tell him how this is all going to work out, in that how it will work out is an unknown at this time. Potential special events were discussed. The need for lodging in Fairbury was discussed. Mr. Ziegenhorn will change his rules to prohibit fire arms in the campground.

Mr. Runyon then moved, seconded by Verne Taylor, that the Livingston County Regional Planning Commission recommend to the Livingston County Zoning Board of Appeals the approval of Livingston County Zoning Case SU-3 -15 that pertains to a request by for the approval of a special use to allow for a campground, in an AG, Agriculture, District, with conditions that it be limited to 10 cabins and 10 tent sites, reviewable in one year. Numbers for the site were then recommended as 80 campers, and up to having 120 people for day time special events. This motion was approved by a unanimous voice vote.

PUBLIC COMMENT:

INFORMATIONAL UPDATE:

The planning commission members present were then informed that their next meeting is scheduled for Monday January 4, 2016 at 7:00 pm., though no cases have been filed to be reviewed at this meeting.

ADJOURNMENT:

Rudy Piskule moved, seconded by Jerry Gaspardo, that this meeting be adjourned. This motion was unanimously approved.

This meeting was then adjourned at 9:05 p.m.