

MINUTES
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

October 6, 2016

Regular Meeting
7:00 p.m.

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, John Vitzthum, Richard Runyon, William Gerber, Connie Casey and Joan Huisman.

Member Absent: Richard Kiefer.

Agenda:

Chair Huisman mentioned the agenda. Then Richard Runyon moved, seconded by Connie Casey, that the agenda for this October 6, 2016 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

No minutes were reviewed, as hearing for Zoning Case ZT-3-16 continues and those minutes are proposed to be presented as a group once those hearings are completed.

Business:

Case SU-1- 16 – Enbridge Energy

This zoning request pertains to review of a request for a special use to allow for a contractor's storage yard, to include a storage yard and a maintenance building which will include office space, in an AG, Agricultural, District. The subject property in this zoning case is an irregularly shaped parcel of land generally located in the Northeast corner of the West One-half of the Northwest Quarter of Section 34 of Esmen Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case. Copies of a report from the Livingston County Soil and Water Conservation District pertaining to this request was also presented to the zoning board of appeals.

Representing the applicant Enbridge Energy, were Chris Spesia, Counsel, of Spesia and Ayers, Attorneys at Law, 1415 Black Road, Joliet, Illinois, and Cheryl Harvey, Sr. Advisor, Public and Government Affairs, Enbridge Energy, Matt Comeaux, Supervisor, Regulatory Law & Affairs, Enbridge Energy and Leonard Hebert, project manager – project execution Enbridge Energy.

Chris Spesia gave a brief overall overview of this special use request. Cheryl Harvey reviewed the Enbridge Company history. A power point presentation was then presented, with this power point, slide number 1, being titled, "Proposed Storage Yard and Maintenance Building". Slide number two was an overview of Enbridge. Slide number 3 pertained to Enbridge Liquids Pipelines in Illinois.

Slide number 4 is an aerial image of the Flanagan terminal. Matt Comeaux remarked about slide numbers 5 and 6, Flanagan Terminal – Facts. Then slide number 7 an aerial photo of the project location, of the proposed storage yard and maintenance building was presented. Slide number 8 related some typed information about the proposed maintenance building, noting it would provide office space for 13 employees, a breakroom and conference room and a maintenance shop with three service bays. Slide number 9 was a draft building floor plan. Slide number 10 related some typed comments on the proposed storage yard. Slide number 11 provided some representative photos of a typical storage yard. Leonard Hebert then remarked about some of the in details in Slide number 12 a site plan for the proposed storage yard and maintenance building. Including a tree buffer, proposed lighting and a proposed septic system. Slide numbers 13 and 14 providing artistic renderings of the proposed improvements. Chris Spesia the reviewed slide number 15 pertaining to complying with special use criteria. The economic benefits of Enbridge in Livingston County were then presented.

Zoning Board of Appeals members inquired about several aspects of this proposed special use, starting with questions about some details on the proposed septic system. An explanation was given that the preliminary septic plans call for two holding tanks that would need to be pumped out. Some Zoning Board of Appeals members questioned if this design would be approved by the Livingston County Public Health Department. The zoning board then conversed about how the site plan should be more detailed to reflect more exactly this property development. Mr. Spesia remarked that an up to date site plan could be provided as part of the permit application to improve the subject property. The placement of the fence and setback distances, in relation to the site plan were then discussed. Changing plans on the landscaping and the fence placement were mentioned. The proposed development of the storage yard was then discussed. The current maintenance area was then discussed. The further dialogue on the setbacks took place.

Area resident and property owner Charlotte Ford, 15845 E – 2120 North Rd., Pontiac, commented about this zoning case. Mrs. Ford related to where the residential subdivision in which she lives is located. Mr. Ford reviewed the history of her involvement and concerns about the Enbridge property development, over the last couple of years. This involvement included the proposal of more oil storage tanks and a pipeline closer to her property. Mrs. Ford expressed her concerns about how their home values may be affected by more Enbridge development, and how selling their homes may be more difficult. She commented about the high taxes they have paid on their properties. Mrs. Ford related that the USEPA and IEPA have no regulations on how close oil storage tanks can be located near other properties, that it is under local control. Mrs. Ford would like some local control as to where the Enbridge can develop the property, and to help them with their property value predicament. Dialogue then took place to clarify that concerns on the previous storage tank plans that have not been approved, not necessarily on the current proposal. Mrs. Ford remarked that they would like to the uncertainty of the future of the Enbridge development addressed. The area residents are still concerned about the unsellability of their residences with potential Enbridge development being a possibility, and they would like action. Mrs. Ford noted that Enbridge had bought one area property, and that the area residents deserve better.

Area resident Mark Heil, 15863 E – 2120 North Rd., Pontiac, a resident in the same subdivision as Mrs. Ford, then commented about Enbridge development plans. Mr. Heil related that he had lived in his house for the last nine years, and about how his concerns of the increased development by Enbridge, including existing lighting issues, are ongoing issues. Mr. Heil expressed he believes that Enbridge is not a good neighbor, as he commented about the Enbridge property uses.

Mr. Heil related that this is a good opportunity to discuss with Enbridge a buyout plan of their homes in his subdivision, as it would relate to further Enbridge development. Mr. Heil related that Enbridge probably has a multi-year plan to develop the property, including property closer to their homes, and how concerns about their property values persist. A discussion followed about the location of the subdivision, the age of the subdivision and the development in the area. Previous proposed developments that were not approved, and the existing and currently proposed developments were noted, along with perceptions and assumptions on the area development or proposed development. Concerns about the existing homes in Mr. Heil's subdivision being above average and harder to find buyers for was noted. The value at which they would sell their homes for was discussed, at current market value or more. Alan Barling, 15799 E – 2120 North Rd., Pontiac, another resident of the subdivision in which Mrs. Ford and Mr. Heil live in, commented about the history and development of this property in this subdivision, and the location of the property in relation to the Enbridge property. Mr. Barling remarked about the landfill property value agreement and how it can still be difficult to sell your property even with a property value agreement. Mr. Barling then related his concerns about how the creek that flows through his property could be affected by the Enbridge development. Mr. Barling's main issue that he would like resolved is about were the residents and Enbridge stand on the future Enbridge development.

No other interested parties presented testimony relative to this zoning case.

Mr. Barling had not closing statement.

Mr. Heil thanked the zoning board for their time, in his closing statement.

In her closing statement Mrs. Ford, gave a brief history of them living in their current house, and that they would like to no longer have uncertainty of living in their house and the unknown future Enbridge property development. They prefer to have a plan with Enbridge to address their property values.

In his closing statement, Mr. Spesia thank the zoning board members, and related this special use request to just the request they are making for the storage yard, shop and office, not potential development of the large Enbridge property.

William Gerber moved, seconded by Michael Cornale, that the Livingston County Zoning Case SU-1-16 be approved to allow for the subject property to be used for a special use allowing for a contractor's storage yard, to include a storage yard and a maintenance building which will include office space, in an AG, Agricultural, District, as proposed by the applicant.

The Zoning Board of Appeals then discussed this special use proposal. During this discussion the concerns of the area residents was noted, with the discussion then focusing on the exact proposed special use. Apprehensions about not having a site plan that reflects a more exacting plan of the development and with a lack of approval of a septic system for the proposed development by the Livingston Count Public Health Department were then considered. Mention was made that these apprehensions could be addressed with conditions on the approval of this special use.

Mr. Gerber's motion was then denied by a roll call vote.

Cornale	- No	Vitzthum	- No
Kiefer	- Absent (Did not Vote)	Runyon	- No
Gerber	- Yes	Huisman	- Yes
Casey	- No		

Michael Cornale moved, seconded by John Vitzthum, that Livingston County Zoning Case SU-1-16 be tabled until the November 10, 2016 meeting of the Livingston County Zoning Board of Appeals, at which time the Zoning Board of Appeals would like to have the applicant to provide a new site plan that depicts the actual planned development as noted in this special use request, and that a septic system planned approved by the Livingston County Public Health Department be provided to the Zoning Board of Appeals.

This motion was then approved by roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent (Did not Vote)	Runyon	- Yes
Gerber	- Yes	Huisman	- Yes
Casey	- Yes		

Case ZT-5-16 – County Board of Livingston County

This zoning case request pertains to a review of a proposed text amendment for the purpose of amending the text of the Livingston County Zoning Regulations to add Zoning Article VIII Wind Energy, Section 56-631, extending a moratorium on the Livingston County Zoning Regulations concerning Wind Energy Conversion Systems. This proposed extension of this moratorium is for a 90 day period extending the moratorium from December 1, 2016 through February 28, 2017. The zoning administrator reviewed his report relating to this zoning case, and he noted the pending advisory referendum, regarding wind energy setbacks distances, which is on the November election ballot.

Philip Luetkehans, Schirott, Luetkehans & Garner, LLC, 105 E. Irving Park Rd., Itasca, IL. attorney for the UCLC, related that extending this moratorium is the proper thing to do, to allow time to properly finish this review of the Livingston County wind energy zoning regulations.

John Slagel, 308 Mirlynbeth, Ln. Fairbury, IL. expressed his agreement with Mr. Luetkehans statement, and that with all of the time put in on reviewing the county wind energy regulation up to this point, that there should not be a rush to complete the review of these wind energy regulations.

Carolyn Gerwin, 705 S. Locust St., Pontiac, IL., a Livingston County Board member expressed her opinion that this moratorium extension should be approved to allow for options and flexibility on finalizing the review of the Livingston County wind energy regulations.

No other interested parties presented testimony relative to this zoning case.

No closing statements were made.

John Vitzthum moved, seconded by Richard Runyon, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board the approval of Livingston County Zoning Case ZT-5-16, that pertains to a request by the County Board of Livingston County for a proposed text amendment with the purpose of amending the text of the Livingston County Zoning regulations to add Article VII wind energy, Section 56-631, extending an existing moratorium pertaining to filing of a special use application(s) concerning Wind Energy Conversion Systems for 90 days.

This motion was approved by a roll call vote.

Cornale	- Yes	Vitzthum	- Yes
Kiefer	- Absent (Did not Vote)	Runyon	- Yes
Gerber	- Yes	Huisman	- Yes
Casey	- Yes		

Other Business:

Findings of Facts and Decision and Recommendation:

Since Livingston County Zoning Case SU-1-16 was tabled, no action could be taken on Findings of Fact and Decision for this zoning case.

Michael Cornale moved, seconded by William Gerber, that the zoning board of appeals approve the findings of fact and decision for Livingston County Zoning Case ZT-5-16. This was approved by a unanimous voice vote.

Public Comments: None

General Discussion and Informational Update:

Future meetings are dependent on the review of the wind energy regulations.

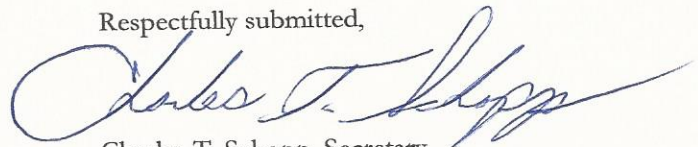
Then John Vitzthum moved, seconded by William Gerber, that this portion of their regular meeting be adjourned. This motion was approved unanimously.

This regular meeting portion of this hearing was adjourned at 8:38 p.m.

Then after a break the Zoning Board of Appeals continued their hearing for Livingston County Zoning Case ZT-3-16 was conducted after this regular meeting, of which separate minutes shall be provided bundled with all of them minutes for the ZT-3-16 hearing.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,



Charles T. Schopp, Secretary
Livingston County
Regional Planning Commission