

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

March 9, 2017

Regular Meeting
7:00 p.m.

The meeting came to order and roll call was taken.

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

Members Absent: Richard Runyon.

Agenda:

Chair Joan Huisman mentioned the agenda. Then John Vitzthum moved, seconded by Connie Casey, that the agenda for this March 9, 2017 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chair Joan Huisman mentioned the minutes from the last meeting. Then William Gerber moved, seconded by Richard Kiefer, that the minutes of the January 5, 2017 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Business:

Case SU-2-13 – Review – Country Cupboard – Dale Dotterer

Mr. Dotterer informed the county zoning administrator that he was unable to attend this meeting. The zoning board of appeals then postponed their review of this zoning case to their next meeting.

Case SU-1-14 – Review – Doug and Jeri Steidinger

This zoning case pertains to the review of a special use that allows for the subject property to be used as a kennel in an AG, Agricultural, District. The property in question in this zoning case is a 2 acre parcel of land located in the Southeast Quarter of Section 6 of Forrest Township. The zoning administrator presented his report, exhibits, copies of recent photos of the subject property, copies of the previous conditions placed on the approval of this zoning case and other information relative to this zoning case.

Doug Steidinger, 8051 N – 2500 East Rd., Forrest, IL, the applicant and property owner in this zoning case, presented testimony relative to this zoning case.

Doug Steidinger related that they have been busy with the kennel, and that on weekends they average 20 animals in their kennel. On busier weekends like the holidays or during the summer they may have 70 to 75 dogs in their kennel. Mr. Steidinger also mentioned that they have a handful of animals that stay through the winter, when the animal's owners go to Florida. Mr. Steidinger then related that they also have some interesting pets, like turtles, tortoise and chickens. Mr. Steidinger remarked that they have been busy.

The board inquired as to if they had expanded, and Mr. Steidinger related that they have not they have stayed the same size. Mr. Steidinger confirmed that they can continue to operate with the conditions previously placed on the approval of the special use by the zoning board of appeals. Mr. Steidinger confirmed that his wife is the employee for their kennel operation, and he helps out as the maintenance man. In discussing the limit of 100 boarding animals, Mr. Steidinger expressed that this number is fine, because to kennel more animals probably would require a new addition, and they would have difficulties handling a larger number of animals.

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

No closing statements were made.

The zoning board discussed as to when they may want to review this zoning case again.

Michael Cornale moved, seconded by John Vitzthum, that the zoning board of appeals approve the continuation of the operation of a special use of a kennel in an AG, Agricultural, District, as outlined in Livingston County Zoning Case SU-1-14, with the conditions placed on the approval of this zoning case remaining in effect except that the zoning board of appeals will review this case again in five years, unless otherwise determined by the county zoning administrator.

This motion was approved by a roll call vote.

Cornale - Yes
Kiefer - Yes
Gerber - Yes
Casey - Yes

Vitzthum - Yes
Runyon - Absent (Did not vote)
Huisman - Yes

Case SU-2-14 – Review – John and Susan Lyons

This zoning case pertains to the review of a special use that allows for a portion of the subject property to be used as a special use as an outdoor wedding facility as a private club/private recreational development in an AG, Agricultural, District. The property in question in this zoning case is a 12.28 acre parcel of land located in the Northeast Quarter of Section 23 of Amity Township. The zoning administrator presented his report, exhibits, copies of the previous conditions placed on the approval of this zoning case and other information relative to this zoning case.

John Lyons, 23847 N – 1050 East Rd., Cornell, the applicant and property owner pertaining to this zoning case, presented testimony relative to this zoning case.

Mr. Lyons related that they have extended the drive way out, that they had one wedding last year and that they have four weddings booked for this year. Mr. Lyons mentioned that they do not want to get too busy, in that they do not want the business to take over their lives.

Mr. Lyons indicated to the board how they had extended the drive, and Mr. Lyons confirmed that he lives in the house located on the subject property. Mr. Lyons affirmed that he is familiar with the conditions placed on the approval of this zoning case and that they continue to be accepting of these conditions. In discussing the receptions with the board Mr. Lyons related that in regard to a liquor license, if alcohol is given away that is fine, but if alcohol is to be sold a licensed server needs to be used. Mr. Lyons explained that they provided the land and they are not involved with the liquor licensing aspect other than they can provide a list of vendors. Mr. Lyons confirmed that his employees are still limited to his wife and himself. In regard to setting up tents Mr. Lyons indicated that they set their clients up with vendors and they take care of themselves. In regard to port-a-potties Mr. Lyons explained that he has built self-contained port-a-potties for use at functions, but if handicapped accessible port-a-potties area needed they can be rented by the clients. Mr. Lyons replied that Mr. Simmons at the public health department had agreed to the port-a-potties being self-contained on a trailer would meet health department regulations. No campers are placed on the property and operations cease by 11 pm.

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

No closing statements were made.

Michael Cornale moved, seconded by William Gerber, that the zoning board of appeals approve the continuation of the operation of a special use on the subject property as an outdoor wedding facility as a private club/private recreational development in an AG, Agricultural, District, as outlined in Livingston County Zoning Case SU-2-14, with the conditions placed on the approval of this zoning case remaining in effect except that the zoning board of appeals will review this case again in three years, unless otherwise determined by the county zoning administrator.

This motion was approved by a roll call vote.

Cornale - Yes
Kiefer - Yes
Gerber - Yes
Casey - Yes

Vitzthum - Yes
Runyon - Absent (Did not vote)
Huisman - Yes

Case ZM-1-17 – Dollar General – Bob Cissell

This zoning case pertains to a review of a proposed zoning map amendment for the purposed of amending the zoning classification on the subject property from an R2, Low Density Multiple Family Residence, District to a C1, Local Business, District. The subject property in this zoning case is part of Lots 4,6,8, 10 and 12 of Block 13, Village of Vermillion City, and Lots 30 and 31 as part of a plat in the South Bloomington St. Second Addition, as part of the unincorporated area of South Streator, at 110 E. Livingston St., Streator.

The zoning administrator presented his report, exhibits, copies of aerial photos, property development plans and other information relative to this zoning case.

The board was advised that the Livingston County Regional Planning Commission had reviewed this zoning case at their February 6, 2017 meeting. The Livingston County Regional Planning Commission forwards this zoning case, ZM-1-17, to the Livingston County Zoning Board of Appeals requesting that the issues of drainage, lighting, noise and fencing be more completely addressed by the applicant at the zoning board of appeals meeting. The planning commission members believe that these issues should be addressed to the zoning board of appeals satisfaction, or that this zoning case be tabled until these issues are adequately addressed. Planning commission members also commented that if the closest adjoining resident to the east of the subject property is present at the zoning board of appeals meeting, that the zoning board of appeals should consider his questions and comments as it relates to this zoning case. This adjacent property owner had a conflict and did not attend the regional planning commission meeting. However, the planning commission members believe a dialogue with this adjacent property owner may provide more insight in this proposed zoning map amendment proposal.

Ryan Swanson, Arc Design Resources, 5291 Zenith Parkway, Loves Park, Illinois, Tim O'Brien, 5530 So. River Rd., St. Peters Missouri representing the developer and Dean Holeton, Arc Design, presented testimony relative to this zoning case. Ryan Swanson presented his display board, first noting it is a 1.6 acre site, and he noted the area property uses. Mr. Swanson noted that the property is relatively flat. Mr. Swanson then noted the plans for a 9000 square foot store with 30 parking spaces, and a rear delivery zone. Access will be off of Livingston Rd.. He explained the Dollar General site development plans and how they work well. Mr. Swanson then mentioned that they have added a six foot fence around the facility. Mr. Swanson then described the planned storm water retention/infiltration basin. In addressing the regional planning commission questions, Mr. Swanson related that they plan on having black sky compliant LED lighting. The applicant used a demonstration board to note that they will have zero light at the perimeter, outside of going onto the road. Planned operation hours at 8 am to 8 pm with the lights on from dusk to an hour after closing. The fence will help screen car headlights. In regards to the noise Mr. Swanson noted the HV units will be on the roof, and that they will have 40 decibels at the property line. Mr. Swanson the commented about the 20 foot buffer area on the east edge of the property. The planned fencing was not considered in their calculations for buffering the light and sound.

Mr. Swanson then commented about the storm water plans, as how half of the site will be devoted to drainage features, including swales and a basin and storm water drains in the parking area. So they will be improving the water storage on the site. The drainage basin can handle 600,000 gallons or 2 acre feet, basically capacity for water created in a 100 year storm. There are not storm drains. Mr. Swanson commented on the soil borings that they completed, and they had conversations with the road commissioner about the drainage. A discussion on the depth of the basin was discussed, along with dry wells. They have not discussed with Mr. Redd, that they believe they addressed those issues.

The board noted that they have noticed that Dollar Generals can be open to 10. The zoning administrator presented his report, exhibits, copies of the previous conditions placed on the approval of this zoning case and other information relative to this zoning case. Tim O'Brien noted he had talked with his rep, that thought the hours would be 8 to 8, while acknowledging they may differ.

Traffic matters on Livingston Road were then discussed, with part of the focus being on possible back up of traffic when Vactor has a shift change, and are there any concerns related to the deliveries. The delivery drivers will figure out when it would be a good time to make deliveries. They plan on having 23 trips in and out during their peak hours, so it would be less than a car every three minutes, so traffic would be limited. Parking spaces being blocked during delivery were discussed, and yes some parking spaces would be blocked during deliveries. The rear ramp placement for deliveries was then noted. Other Dollar Generals in Streator were then noted along with a Family Dollar store. No one had any knowledge of field tiles in the area, but the developer plans on repairs if they find any during the construction. Standing water on the site was discussed, and they are not aware of any major issues of standing water on the site. The plans of the gun shop development were then discussed as to how they will mix together. It was noted that some half lots north of the gun shop parking area will be left zoned residential, east of the lots that are remaining residentially zoned. So discussion of how they will complement each other and will the special use be executed as presented took place. Mr. Brian Pflibsen the property owner present at this meeting commented about his planned development. The zoning district lines in the area were then described in more detail, in separating the R2 and commercial areas.

The meeting was then opened up to interested parties. James Reihl, 112 E. Franklin St., Streator, presented testimony relative to this zoning case. Mr. Reihl commented that he thought some misinformation was being presented about the traffic and drainage. Mr. Reihl declared he is not interested in this property being converted to C1 and that he would like to see the property stay residential. He noted that we are discussing a change to C1 and secondly that the Dollar Store is to be placed on the property. Changing the zoning to C1 does not limit the use of the property to a Dollar Store, so other permitted businesses could come in that may be unwanted. Mr. Reihl commented that in regards to drainage he has noticed water still standing on the property as a result of the recent rains. He confirmed they are puddles, and he questioned the detention pond being adequate to handle the water with the high water table. He does not buy the low density lighting proposal. Mr. Reihl confirmed where his house is located, and he commented about existing lighting in the area. He also believes there will be added noise, with the increase of traffic in the area. Heavy Vactor shift change traffic and backed up traffic from trains running in the area already create some traffic flow issues. A discussion on area traffic then took place. Mr. Reihl pointed out a few residents in the area that do not have an interest in the C1, and he is not aware of anyone being for the project. Mr. Reihl noted that additional potential traffic on the subject property would be garbage removal. He expressed he is against the C1 zoning.

A discussion then took place in regard to Dollar General owning the buildings or leasing them, of which Mr. Obrien indicated that Dollar General leases the buildings, with a term of 15 years, three 5 year options. Potential conversion of the stores after Dollar General leaves was mentioned with no one present knowing what stores generally replace Dollar General stores after they leave. Mr. Reihl then noted the other Dollar General stores being located in Streator and that is why he lives on that end of town, since it is limited commercial development. It was noted this would be the 4th dollar type of store to be located in the Streator area. Mr. Obrien noted that Dollar General had done a marketing study and that their projections indicate a store would work in the subject property area. A discussion then took place as to if the subject property has adequate size for the proposed development. Mr. Obrien noted that he would not be here unless the Dollar General marketing department thought this site would work for them. Mr. Reihl noted the commercial development at the intersection of 12th St. and Route 23 a few blocks north of the subject property.

Brian Pflibsen, 839 Illinois State Route 18 East, Streator, the owner of the subject property being discussed provided testimony relative to this zoning case. Mr. Pflibsen commented that he would like to clarify that on the existing site that they have not been able to complete the grading of the subject property because of the weather. Mr. Pflibsen related that the existing water puddles were not there until the grading started, and he has owned and maintained the property for several years, and they have not had issues with standing water. When they are done grading the drainage concern will be gone. Mr. Reihl disagreed with the standing water, in that his family had observed water on the property in the past.

Amanda Stipp, Reading Township Supervisor, 2008 S. Bloomington St., Streator, presented testimony relative to this zoning case. Amanda Stipp remarked that she has a concern for the residents are backed up traffic, especially when the traffic gets out of Vactor. Amanda Stipp then mentioned that the township does not know where all of the drainage inlets are, and that there is no big drainage main anywhere in this area. Amanda Stipp did note she had not noticed any major drainage issues in the area, and that she is present at this meeting as information conduit to her township residents.

Lighting was then discussed, in comparison to lighting at Dollar Generals in other towns and how this lighting has been observed; questioning as to if a 6 foot fence would shield much lighting from adjoining property. It was also noted that Dollar Generals can be open to 10 pm and not 8 pm. The applicant representatives noted that the trees on the buffer area will remain, to shield the light, and that the photometric display board does not indicate any plans for lighting on the east side of the building. There would be limited security lighting. Fencing on the west side was then discussed, and they would be willing to extend the fencing on the west side to shield lighting on the west side. The potential of ongoing issues after construction were then discussed, such as how those concerns could be addressed. They plan on dealing with issues as they come. The lighting would be similar to lighting used at the recent developed Dollar General stores.

The board then discussed the consideration page, starting with number 7. Mr. Gerber thought that 75% may not be met, questioning number 11, the area uses, questioning trends, a potential use of the property. A vacant similar use in Fairbury did not last long, so with unknown circumstances with leased buildings, raises concerns about changing the zoning causing him to have reservation to reclassify the property. The note of four similar existing businesses in town creates a question of need. A discussion then took place as to how the zoning board's recommendation to the county board will be considered. The board discussed how the subject property does not front Route 23, and about how commercial development north of the subject property exists. Concerns of how the property may be used if the Dollar General would leave were discussed. Discussion on the proposed use of the subject property was discussed. The clients did not want to place a building on a road with one way traffic. Dialogue took place as to what would happen if the property is zoned C1 and not developed by Dollar General, the property use would be opened up to the list of permitted uses in this zoning district. The zoning of portions of lots on the east side of the alley remaining R2 was talked about. Then existing and proposed C1 and R2 areas were discussed.

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

An opportunity for closing statements was made.

Mr. Pflibsen indicated that he believes that Mr. Redd's concerns are being addressed.

No other closing statements were made.

William Gerber moved, seconded by Michael Cornale, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case ZM-1-17 be approved to allow for an amendment to the Livingston County Zoning District Map to change the zoning classification on the described property from a R2, Low Density Multiple Family Residence, District classification to a C1, Local Business, District classification.

Discussion on this motion then took place.

The considerations were discussed, starting with existing traffic in the area being discussed, and can the area hold any more traffic. Past construction on Livingston Rd. was discussed, it was noted the road does not have curb and gutter. The road may be posted at times, raising a question on delivery trucks. Trends of development in the area were discussed, questioning development on this site with congestion, with the existing commercial area to the north being discussed. It is believed to be incompatible to the general existing developed area. Discussion on struggling with a C1 zoning in the residential area was discussed. Though Family Dollar (Dollar General) may be a compatible business, concerns of all the permitted uses in the C1 district persist. The existing C1 area was discussed, along with the area residentially zoned areas. The C1 permitted uses were discussed again. They believe that the lighting, noise and drainage have been addressed as much as possible, which the zoning board appreciated. However, the zoning board acknowledged that not all business permitted in a C1 may be as cooperative, so concerns on potential C1 development persist. Once the property is rezoned, it is zoned for C1 for all intended uses, so while Dollar General may be fine, questions on other potential developments creates a unique situation. So is a C1 with the list of conditions is a good idea.

This motion was denied by a roll call vote.

Cornale	- No
Kiefer	- Yes
Gerber	- No
Casey	- No

Vitzthum	- No
Runyon	- Absent (Did not vote)
Huisman	- No

Other Business:

Findings of Fact and Decision:

After reviewing the draft details of the Finding of Fact and Decision, John Vitzthum moved, seconded by Richard Kiefer, that the Findings of Fact and Decision for this March 9, 2017 meeting be approved as presented. This motion was approved by a unanimous voice vote.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update: The status of wind energy regulations was remarked about, with the regulations being reviewed by the Agriculture, Zoning and Emergency Services Committee of the Livingston County Board.

The zoning board of appeals members were informed that their next scheduled meeting will be held on April 6, 2017.

Then John Vitzthum moved, seconded by Connie Casey, that this meeting be adjourned. This motion was approved unanimously.

This regular meeting portion of this hearing was adjourned at 8:50 p.m.

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