

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

Regular Meeting
7:00 p.m.

May 4, 2017

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, Richard Kiefer, Richard Runyon, Connie Casey and Joan Huisman.

Members Absent: William Gerber.

Agenda:

Chair Joan Huisman mentioned the agenda. Then Michael Cornale moved, seconded by Connie Casey, that the agenda for this May 4, 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. It was noted that the Erdman case vote was added to the official minutes, and Joan Huisman requested an amendment to the discussion on dog grooming and home occupations, to assure that dog grooming is not considered a home occupation. Then Richard Kiefer moved, seconded by Connie Casey, that the minutes of the April 6, 2017 meeting be approved as amended. This motion was approved by a unanimous voice vote.

Business:

Case SU-1-17 - Connelly

This zoning case pertains to the review of a special use request to allow for an animal grooming business, as a planned unit development special use, with this animal grooming business to be conducted within a dwelling unit used as a residence, similar to requirement for a home occupation, in an R2, Low Density Multiple Family Residence, District. The property in question in this zoning case is a 2.90 acre parcel of land located at 1609 Hawthorne Rd., in unincorporated South Streator, in Reading Township. The zoning administrator presented his report, exhibits, remarks on the previous conditions placed on the approval of this zoning case and other information relative to this zoning case. The Livingston County Regional Planning Commission reviewed this zoning case on May 1, 2017. This planning commission recommends the approval of this zoning case with the draft conditions, which were presented during their meeting. These same draft conditions were presented to the members of the Livingston County Zoning Board of Appeals.

These special use draft conditions were; 1 - That the applicant's special use be limited to the request as outlined in the applicant's application and the explanation the applicant gave at the hearing for this request for a special use approval, with a limitation to the animal grooming by appointment, one animal at a time. 2 - That the ownership of special use be limited to the applicant, unless otherwise approve by the zoning board of appeals. 3 - That the signage for this special use be limited to a 3' x 3' sign to be placed near the entrance, as approved by the Livingston County Zoning Administrator. 4 - That the employees for the proposed office part of this special use be limited to the applicant and her immediate family. 5 - The hours of operation are (9 am to 5 pm) – Tuesday through Saturday. 6 - That the status of this zoning case be reviewed in one year.

Jamie Connelly, 1609 Hawthorne, Rd., Streator, IL, the applicant and property owner pertaining to this zoning case, presented testimony relative to this zoning case. Jamie Connelly explained about how she would like to subdivide her property, with plans to build a new house of which she hopes to have a dog grooming shop as part of this new construction. Jamie Connelly remarked that she is okay with this property use being reviewed as a special use.

The zoning board of appeals and Jamie Connelly then discussed her property and planned development. They discussed Jamie Connelly's existing house existing property development. Jamie Connelly indicated that she plans on fencing in a yard at her new house, but she would leash any animals needing to relieve themselves in her yard while she is grooming them. She currently has a back entrance to her shop in the strip mall, which leads to a grassy area that the dogs use to relieve themselves. In regards to an inquiry about a timeline for her plans, Jamie Connelly replied that she would plan on developing her property as proposed next summer. In a discussion on the condition on what days the business would be open, adding Monday as a business day was discussed. Jamie Connelly replied that Monday is generally a listed day off, but she would like the flexibility, in case she has weekend commitments with her children and she needs Monday to catch up with her dog grooming clients. Flexibility in working on all days of the week was then discussed.

Susan Kmetz, 1607 Hawthorne Rd., Streator, the neighbor to the north of the subject property wanted the specific proposed dog grooming use of the property confirmed.

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

In closing statements Jamie Connelly confirmed her plans.

The draft conditions for approval of this zoning case were discussed, with a consensus to remove office from condition number 4, to not list the days of operation in condition number 5 allowing flexibility of the grooming business operation, and to review this case in two years instead of one year, as noted in condition 6, since this property is planned to be developed next year.

Michael Cornale moved, seconded by Connie Casey, that the zoning board of appeals approve this special use request to allow for an animal grooming business, as a planned unit development special use, with this animal grooming business to be conducted within a dwelling unit used as a residence, similar to requirement for a home occupation, in an R2, Low Density Multiple Family Residence, District., with following conditions;

1 - That the applicant's special use be limited to the request as outlined in the applicant's application and the explanation the applicant gave at the hearing for this request for a special use approval, with a limitation to the animal grooming by appointment, one animal at a time. 2 - That the ownership of special use be limited to the applicant, unless otherwise approved by the zoning board of appeals. 3 - That the signage for this special use be limited to a 3' x 3' sign to be placed near the entrance, as approved by the Livingston County Zoning Administrator. 4 - That the employees for the proposed special use be limited to the applicant and her immediate family. 5 - The hours of operation are (9 am to 5 pm) 6 - That the status of this zoning case be reviewed in two years.

This motion was approved by a roll call vote.

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

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

The Livingston County Board has referred Zoning Case ZM-1-17 – Dollar General – back to the Livingston County Zoning Board of Appeals for further consideration to re-open their public hearing for new data not considered at the previous public hearing, with this rehearing to focus on new data regarding drainage, traffic and public interests. This zoning case pertains to a review of a proposed zoning map amendment for the purpose 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.

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 began by reviewing his presentation boards with the zoning board of appeals members. Mr. Swanson explained that presentation board 1 is an aerial photo, with the 1.6 acres subject site being centered on this aerial photo. Mr. Swanson mentioned the location of IL. Route 23 and the railroad tracks, and he noted that is flat, as he referenced elevation data that showed 2 feet elevation change on this property. Mr. Swanson then explained presentation board 2 a site plan showing the proposed development of the subject property. Mr. Swanson commented on the proposed fencing, access off of Livingston Road, the location of the infiltration basin. Mr. Swanson then explained presentation board 3, a photometric exhibit relating to the proposed lighting plan. Mr. Swanson explained that LED lighting is planned, as part of what is a lighting plan similar to lighting plans used by the developer in the past designed to keep the higher lighting levels on the subject property. Business hours are planned to be from 8 am to 9 pm, with all of the lighting be on during the dark business hours. Then proposed fencing would help in shielding the lighting from the neighboring properties.

Mr. Swanson then explained presentation board 4, a sound exhibit. The highest noise level just off the edge of the subject property would be 40 dB. Mr. Swanson then commented on some traffic counts that they have made, during the Vactor factory shift change in the afternoon. The Vactor factory is located east of the subject property and this afternoon traffic period is generally considered the period that has the highest road use. Mr. Swanson remarked that during this period they found 35 to 45 vehicles queued up at the intersection of Route 23 and Livingston Road. This traffic is cleared in less than 15 minutes. It is hoped that some of this traffic would stop in the proposed Dollar General store. Mr. Swanson also noted that this store is planned to be a short destination trip for the area residents. Mr. Swanson then explained presentation board 5, a drainage plan board. Mr. Swanson pointed out that the planned infiltration basin would not only serve the 1.6 acre subject property, but is designed to assist with drainage of surrounding property, for a total drainage area of 7.94 acres, as depicted on this presentation board. Mr. Swanson then commented on the infiltration basin as to how it would work. Mr. Swanson explained presentation board 6 being a grading plan which shows how the water will drain into the infiltration basin. Mr. Swanson then explained presentation board 7 being an infiltration exhibit, which depicts a cross section view of a proposed drywell with a trench drain, which is planned to move the water from the infiltration basin into the underlying soil layers.

The zoning board of appeals members then began questioning Mr. Swanson about the development plans, starting with a question about the fencing. Mr. Swanson replied that they are planning on extending the proposed fencing, and that it would be a 6 foot solid fence. Commercial uses in the area and in the sought after commercial zoning classification were discussed. A dialogue then took place pertaining to traffic, at Rt. 23 and Livingston Rd. Though up to 45 vehicles have been in queue from the stop sign on Rt. 23 back to the railroad tracks, it has been observed with an opinion that this plant shift change traffic clears relatively quickly.

Amanda Stipp, the Reading Township supervisor, 2008 S. Bloomington St., Streator, presented testimony relative to this zoning case. Amanda Stipp related that since the last zoning board of appeals meeting she has asked township residents their opinion about the proposed Dollar General. Between the last zoning board of appeals meeting at which this zoning case was reviewed and the next Agriculture, Zoning and Emergency Services Committee meeting of the Livingston County Board, she had learned that 33 township residents are in favor of this development and 3 residents are opposed. Since that committee meeting she has learned that 72 residents are in favor of this development and 6 residents are opposed. The reasons for opposition are because of the residential development in the area, increased traffic concerns, and just not wanting this development. Dialogue then took place as to how more information on this proposed development has been realized. Amanda Stipp provided additional township information in that Livingston Road is a sturdier built up road than most township roads because of the truck traffic created by the Vactor plant down the road. It was discussed that some of the drainage questions had been clarified in the presentation by the Dollar General representatives at this meeting. Current drainage of the subject property was discussed in that some ponding can be seen on the property after heavy rains. Daryl Holt chair of the Agriculture, Zoning and Emergency Services Committee of the Livingston County Board commented that he had visited the subject property, indicating that his concerns of this proposed commercial site being on the edge of residentially developed area and traffic had been resolved, in his observation of other commercial development in the area, and his visit happened to coincide with the plant shift change allowing him to observe the high traffic period. His drainage concerns have also been addressed.

A dialogue of how this property is proposed to have its residential zoning changed to commercial then took place, in reference to the amount of permitted uses in the proposed commercial district, in that this zoning case was not just for the potential development of a Dollar General but any of the permitted commercial uses. It was discussed as to any of the permitted uses in the proposed zoning classification would be acceptable. Chris Allison, 217 W. Jefferson St., Streator, related that she had worked on a petition of which has 170 signatures of area people in favor of this proposed Dollar General development, with only a few people opposed to the development. One of the reasons people are in favor of this development is that it would bring a store closer to where they live. The zoning board chair acknowledge this petition, but did not accept the document, desiring testimony from those in favor or opposed to this zoning case.

James Reihl, 112 E. Franklin St., Streator, an area resident, presented testimony relative to this zoning case. Mr. Reihl remarked about his awareness of the previously mentioned petition, that was available at the Vactor plant, but that he has discussed this proposal with 5 of his residential neighbors close to the subject property, and how he and these neighbors are generally opposed to this proposed zoning classification change. Mr. Reihl commented about his continuing concerns about the drainage of the property, about how the fencing may not stop all of the noise and light glare coming from the proposed Dollar General, and he has continuing concerns about the traffic, especially during the Vactor plant shift change and when the railroad tracks are blocked by trains. Mr. Reihl is concerned about increase alley use of the alley that runs next his property. Mr. Reihl related that a commercial grocery store and gas station convenience store are located 4 blocks north of the subject property, so the area does have some business to serve the area residents. Mr. Reihl then noted that is a 5 to 7 minute drive to similar dollar stores on the north side of Streator, as he questioned the need for the new Dollar General Store. Tim O'Brien remarked about how Dollar General's corporate office chooses potential store sites, and that the subject property area is the area in which he was instructed to seek a new building site. Joseph Veith, 205 E. Livingston Rd., Streator, an area resident expressed his concerns about the traffic existing and how the proposed store could increase traffic in the area. Mr. Veith commented about the existing Vactor plant traffic, and about how a turn lane or traffic light may help the traffic situation. Mr. Veith main concern was having his driveway blocked by the traffic, especially when he needs to leave for work, which coincides with the existing high traffic period. He has to time his commute to work now, but he is concerned as to if potential additional traffic delaying his commute to work.

Brian Pflibsen, 839 Illinois State Route 18 East, Streator, the owner of the subject property commented that he has the petition that Chris Allison referenced, and that this petition now has 275 signatures in support of the proposed Dollar General development. The zoning board chair acknowledge this petition, but did not accept the document, desiring testimony from those in favor or opposed to this zoning case to be presented directly to the zoning board of appeals during their hearings. Mr. Pflibsen then commented about how he is in the area every day and how he has observed the traffic, and how he does not think a Dollar General will create enough new traffic to greatly affect the existing traffic flow. A discussion took place with the zoning board and Mr. Pflibsen about the traffic flow. Beckie Chismarick, 111 W. Franklin St., Streator, an area resident, commercial property owner and area realtor presented testimony about this zoning case. Beckie Chismarick commented about the existing commercial uses in the area, and she is okay with this proposed extension of commercial property onto the subject property which adjoins the existing commercially zoned properties.

Beckie Chismarick then expressed her opinion on the traffic and she does not foresee a more traffic buildup than what already exists, and she has no issues with potential increase of the alley use that Mr. Reihl mentioned in that her commercial building is also next to this alley. Then from a business view of the proposed property use Beckie Chismarick commented how more business development is good for the community.

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

In closing statements Mr. Reihl expressed that he is still concerned about this potential land development, for the reasons he has stated. Chris Allison commented on the people in the area being in favor of this proposed development. Daryl Holt commented on the existing commercial development in the area of the subject property. Ryan Swanson reviewed their proposal and why it should be approved.

Richard Kiefer moved, seconded by Richard Runyon, 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.

The zoning board of appeals member then discussed this zoning case and testimony. Clarifications were made on the exact location of and existing or proposed uses of the adjoining and area commercial properties.

The motion was then approved by a roll call vote.

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

Other Business:

The status of the Livingston County Wind Energy Regulations:

The zoning administrator presented application documentation relating to Livingston County Zoning Case ZT-3-17, an application for a zoning text amendment to Chapter 56, Zoning, Code of Ordinances Livingston County Illinois. This information was made available to the planning commission members as orientation material which is planned to be reviewed at the next planning commission meeting. This material consisted of the application page from the County Board of Livingston County Illinois. An executive summary of the wind regulations text amendment two, of which the zoning administrator explained. Copies of the Livingston County zoning regulations pages, on which the proposed text amendments are being proposed. The zoning administrator then commented on these proposed text amendments, as part of the review of this zoning regulations pages.

With this meeting not being a public hearing pertaining to Livingston County Zoning Case ZT-3-17 no comments were accepted regarding this zoning case. It is planned to have this zoning case be part of the public hearing to be held at June Livingston County Zoning Board of Appeals meeting.

Findings of Fact and Decision:

After reviewing the draft details of the Finding of Fact and Decision, Michael Cornale moved, seconded by Richard Kiefer, that the Findings of Fact and Decision for this May 4, 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 zoning board of appeals members were informed that their next scheduled meeting will be held on June 8, 2017.

Then Michael Cornale moved, seconded by Richard Kiefer, that this meeting be adjourned. This motion was approved unanimously.

This regular meeting portion of this hearing was adjourned at 8:47 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