

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

Regular Meeting
7:00 p.m.

April 5, 2018

The meeting came to order and roll call was taken.

Members Present: James Blackard, Richard Kiefer, Richard Runyon, William Flott,
Gerald Earing and Joan Huisman.

Members Absent: Michael Cornale.

Agenda:

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by James Blackard, that the agenda for this April 5, 2018 meeting be approved as presented. This motion was approved by a unanimous vote.

Approval of the Minutes:

Chair Huisman commented about the minutes from the March 12, 2018. Time was taken to review the minutes, and Chair Huisman asked for comments. Then Richard Kiefer moved, seconded Gerald Earing, that these minutes be approved. This motion was approved by a unanimous voice vote

Business:

SU-2-18 – Threshermen Solar

Copies of the application documents were given to the interested citizens present. Copies of the Natural Resource information Report from the Livingston County Soil and Water Conservation District were given to the zoning board of appeals members and to the interested citizens present. A hearing for this zoning case will take place at the next zoning board of appeals meeting, to be held on May 10, 2018.

SU-3-18 – Miacomet Solar

Copies of the application documents were given to the interested citizens present.

Copies of the Natural Resource information Report from the Livingston County Soil and Water Conservation District were given to the zoning board of appeals members and to the interested citizens present. A hearing for this zoning case will begin at the next zoning board of appeals meeting, to be held on May 10, 2018.

The location of the solar farm built in LaSalle County was provided, for anyone interested in looking at an existing solar farm.

Case V-3-18 - Fehr

This zoning request pertains to review of a request for the approval of variation in lot frontage requirements to allow for lots to have 0 feet instead of 150 feet of frontage along a public road, in an AG, Agricultural, District. The property in question in this zoning case is a subdivided area of land located in the Southwest Quarter of Section 5 of Indian Grove Township. The zoning administrator presented his report, exhibits and other information relative to this zoning case.

William Gerber, 21203 E – 650 North Rd. Fairbury, IL., as an attorney representing the applicants, Wayne and Norma Fehr presented testimony relative to this zoning case. Mr. Gerber related that using outlot A as a private access land is being requested in this variance request. Mr. Gerber noted that north of outlot A is a railroad. Mr. Gerber noted that there is no outlet to outlet A, and for a private land owner to spend \$60,000 to \$70,000 to put in an asphalt road, seems to be economical issue, and a maintenance issue for the township. So they are requesting to subdivide the lots as part of outlot B for economic benefit, making this access lane to the proposed new lots private in nature. This would match the drive to the south as being private in nature, both accessing the road to the township road to the west. Making it a public road is against the crux of the planned development. Mr. Gerber commented that he had gone through the standards answering them clearly, and he believes it is in accordance with the Livingston County guidelines to allow for outlot A to be a private drive. It was clarified that the previously subdivided lots to the south have frontage along Route 24, but have the private drive to prevent multiple access points off of the highway. Mr. Gerber pointed out that the access to the southern private road goes to the same township road as the proposed private access lane.

Questions were asked about; the southern road being private, which was clarified. Maintenance and snow removal would be responsibility of the homeowners of this subdivision, which it will be done that way. A cul-de-sac will be placed at the end of the private lane. Each of the potential owners of A,B and C would have easement to access the drive. Lot 1 would access the township road. An existing homeowners association is in place to address these issues. The private access area would be a gravel lane. All lots will have their own septic systems and water wells.

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

Mr. Gerber had no closing comments.

Richard Kiefer moved, seconded by Gerald Earing, that Case V-3-18 be approved allowing for the requested variation of lot frontage requirements to allow for lots, as marked as A, B and C of Outlot B on the Stone Lake Estates Subdivision Plat, to have 0 feet instead of 150 feet of frontage along a public road, in an AG, Agricultural, District.

This motion was then approved by a roll call vote.

Cornale -	Absent (Did not vote)	Blackard -	Yes
Kiefer -	Yes	Runyon -	Yes
Flott -	Yes	Earing -	Yes
Huisman -	Yes		

The zoning administrator mentioned that further subdivision review and approval of the property may be needed if the proposed lots are less than five acres in size.

Case SU-4-18 – Donald Slagel

This zoning case pertains to a request for the approval of a special use pertaining to a proposed craft and service occupation, for a proposed craft beer brewery/tap room in an AG, Agriculture, District. The subject property in this zoning case is a 3 acre tract of land, located in the Southeast Quarter of Section 7 of Pleasant Ridge Township, at 13113 N - 2500 East Rd. The zoning administrator presented his report, exhibits and other information relative to this zoning case, including draft conditions. The health department has consulted with the applicant for this project.

Don and Lincoln Slagel, 13113 N – 2500 East Rd., Fairbury, the property owner and applicant representatives presented testimony relative to this zoning case. The applicant provided copies of an information packet for Emancipation Brewing Co. to the zoning board of appeals members. Lincoln Slagel then related that this information packet is a business overview, of which he then proceeded to review, starting by explaining a definition of a craft nano-brewery. Lincoln Slagel then remarked about requirements of a Class 1 Illinois Craft Brewers License. Lincoln commented about his vision for the business, using his hand out bullet points on the Farm to Bottle beverages section. Lincoln Slagel then referred to his vision for their planned tasting room, which will not be a bar. Their tasting room will be a unique experience focusing on the product itself. Lincoln then made mention about their plans for self-distribution. Lincoln Slagel then commented about the legal process as outlined in their information packet. The federal level is more concentrated on the tax side, while the state level is more concentrated on the production side. There is no timeline on getting federal and state approval, it may take from two months to eight months. They mentioned they have limits to the amount of ounces they can serve at the tasting room per visit. Though they will not be serving food, they will allow people to bring food in, or they will have pre-packaged food. They would be limited to serve up 48 ounces, with limits on the sizes of the servings depending on the amount of the alcohol content. The zoning board inquired as to if they will be charging for the tastings. Lincoln replied that they will charge a tasting fee. He then explained the basics of their distribution plans. Tours of the facility would be available scheduled in advance. Lincoln will be the brew master.

Distribution is limited to the State of Illinois, unless approved by another state. County Liquor License requirements were then discussed. They discussed how much beer they can brew. Lincoln responded that they would be limited to 260 barrels a year, with the equipment they have purchased, making one barrel at a time, roughly 20 barrels a month. Lincoln then explained the brewing process basics. They plan on putting the beer in bottles, cans and kegs, distributing it to local bars, restaurants and outlets to begin with. Steam will be their only emission. Don Slagel commented about how the spent grains are used for animal feed, so local animal producers will take the spent grains for feed. Lincoln then related about how they have started to raise their own hops on the property. Don Slagel then commented about information packet pages including a picture of the barn to be used for this project, and a planned floor plan for how they proposed to develop the project within this barn. Two ADA restrooms are part of the plan. Don mentioned that they place new tin on the outside of the barn a few years ago, and put new windows in the barn. The interior is not finished. They hope to open by late summer, depending on how long it takes to get a license. They plan on starting some construction since they planned to fix the barn up anyway. Lincoln commented how they are working with a consultant to help them through the licensing permitting and start up process. The number on entrances and exits were discussed. The upstairs use was discussed, for now it is just being planned to be used for storage. The building to be used for this project was confirmed, on the aerial photo that was part of the zoning administrator's report. Business hours were then discussed. They are considering frame work hours of 4 to 10 on Thursday, Friday and Saturday evenings, with hours posted as business dictates. Though they may have some special occasion openings, such as for tours. Entrances to the building site was the discussed, with plans for a potential second drive. The draft conditions were then discussed. They project 3 employees to start, experimenting before they sink too much into the business. Don is okay with the draft conditions. An added condition of hours of operation was then discussed, the hours of 4 to 10 will work for now. The number of employees was discussed again. It was agreed to start with 6 potential total employees. Don Slagel commented they have discussed their plans with their neighbors and they are fine with the proposal.

Terry Cope, 8902 N – 2900 East Rd., Forrest, Il, commented that he is the field operations manager for Rooster Heaven Hunt Club, and he is at this meeting on the behalf of Patrick Harms. Mr. Cope read a statement from Mr. Harms, in which he expressed his support of the windmills, and he did not feel that others could not tell him they could not be placed on his property. Patrick does not have a problem with Mr. Slagel's proposal as long it does not negatively affect any other businesses in the county. Patrick considers this a positive comment on his part, since he has heard negative comments about his operations.

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

Don Slagel in his closing comments related as to how they plan on keeping this small, with no intentions of making it a hangout place.

Bill Flott moved, seconded by James Blackard, that Case SU-4 -18 be approved allowing for this request for a special use pertaining to a proposed craft and service occupation, for a proposed craft beer brewery/tap room on the subject property in an AG, Agriculture, District, with the 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.
2. That the ownership of this special use be limited to the applicant and immediate family members of the applicant, unless otherwise approved by the Livingston County Zoning Board of Appeals.
3. That the employees for the proposed special be limited to 6 employees, with the zoning board of appeals having the authority to approve additional employees.
4. That the signage for this business be approved by the Livingston County Zoning Administrator.
5. That this zoning case be reviewed by the Livingston County Zoning Board of Appeals in one year, to review the status of the start- up of this special use, unless otherwise determined by the Livingston County Zoning Administrator.
6. That the applicant complies with all federal, state and other local regulations that may apply to this proposed business operation.
7. Hours of operation are to be limited from 4 pm to 10 pm., being flexible on the days it may be open.

This motion was then approved by a roll call vote.

Cornale -	Absent (Did not vote)	Blackard -	Yes
Kiefer -	Yes	Runyon -	Yes
Flott -	Yes	Earing -	Yes
Huisman -	Yes		

Other Business: None

Approval of the Findings of Fact and Decision:

James Blackard moved, seconded by Gerald Earing, that the findings of fact and decision for this April 5, 2018 meeting be approved as drafted for Livingston County Zoning Case SU-4-18. This motion was approved by a unanimous voice vote. The findings of fact and decision for Livingston County Zoning Case V-3-18 will drafted for approval at the next meeting.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update:

The zoning board of appeals was informed that their next meeting is to be held on May 10, 2018 at 7 pm. Solar Farm special use applications will be formally reviewed at that meeting.

Then William Flott moved, seconded by Gerald Earing, that this meeting be adjourned. This motion was approved unanimously.

This meeting was adjourned at 8:20 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