

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

Regular Meeting
7:00 p.m.

October 10, 2019

The meeting came to order and roll call was taken.

Members Present: Richard Kiefer, William Flott, Joe Stock, Neil Turner and Joan Huisman.

Members Absent: Richard Runyon.

Agenda:

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Joe Stock, that the agenda for this meeting be approved as presented. This motion was approved by a unanimous vote.

Approval of the Minutes: None.

Business:

Case SU-3-15- Review - Ziegenhorn

This zoning case pertains to a request for a campground in an AG, Agriculture, District. This is a status update on this campground under development. The subject property in this zoning case is an irregularly shaped parcel of land generally located in the Southeast Quarter of Section 16 of Indian Grove Township. The zoning administrator noted that the zoning board of appeals members had copies of his past report and minutes regarding this zoning case, exhibits and other information relative to this zoning case, including the status of some of the conditions placed on this zoning case approval.

Stephen Ziegenhorn, 20737 N – 87th Dr., Peoria, AZ was present representing the applicant and property ownership pertaining to this zoning case. Mr. Ziegenhorn stated that they are close on everything in completing the initial development of this campground. On September 10th of this year the Illinois Department of Public Health issued him a license for this campground. The state authorized 20 cabins, 20 campsites, 110 RV's and 80 picnic type people, based on blueprints that the state architect worked on for him. With the county approval of usage and the septic system is being based on 120 people per cabins, campsites and RVs. Mr. Ziegenhorn commented on the size of his septic system being larger than what the state would want. Tonight, he looking at a plan for usage. He has four cabins done.

His state permit is ongoing for the state based on his application with the state. Now he is looking for approval of usage including future development of 20 cabins, 20 campsites, and 20 RV's, with 40 people in each category. He has 4 cabins, and he has campsites, but he now wants to bring in RV's, including some workers from the wind farm project in the Chenoa area. Following these current approved rules, he is allowed two RV's on the property. Going into next year Mr. Ziegenhorn would like to support this development, and he sees having more RV's permitted as a revenue stream, including the wind farm to be built next year. He also wants to support Fairbury from the overflow of camping from the races. He commented about how the RV's in Fairbury were all over Fairbury. He would like to work with the racetrack to accommodate overflow of RV's from the races. Many RV's are generally used to just for sleep. He would provide no electrical. He wants a number to operate his business. Four cabins will not operate his business and campsites would be okay. He could work with the American Legion to provide overflow space for up to 35 campers and some RV's depending on the number of people. Race dates will be known, with the anticipation of large crowds. He wants the capability to have 120 people at his campground, not depending in what they are using for accommodations, cabins, tents, RV's.

The zoning board then began asking questions about what he is asking for, in relation to what was approved. The status of the cabins was then discussed, four is built, with approval up to 10 cabins by the county. The septic system is installed and operating. State approval of 20 cabins was mentioned, but he is now asking for the approval of more RV's by the county, with the county only approving 3. The zoning board asked what number he is looking for in regard to the number of rv's. He would like up to 36 RV's, and he would police the 120 people limit, primarily thru the use of reservations. The difficulty of policing this number was discussed. Initially the cabins and campsites were what was asked for. Mr. Ziegenhorn then commented about how allowing more RV's would help in future development of the campground. Mr. Ziegenhorn indicated that it could be fewer RV's if 4 instead of 2 were staying in each RV. The use of the campground for Fairbury race attendees to help Fairbury was discussed. His future is 20 cabins, 20 campsites and 20 RV's. He has lost thousands of dollars by turning away campers, with the county limit of 2 RV's. The state approval of 20 cabins, 20 campsites and 110 RV's. Mr. Ziegenhorn says the state has looked at it as wilderness camping. Plus 80 picnickers were discussed. So, this is moving from a family operation to a need for a more commercial operation because of the costs of development, and they need financial gain. Mr. Ziegenhorn explained that with his family present for about 2 weeks a year, he can use the campground for commercial purposes during the rest of the season. The seasonal closing of the campground on October 31st was then discussed and confirmed. With wind farm workers would change the campground use from recreation to more temporary workers housing space. He wants to make money with the possibility of investing \$400,000 to \$500,000. His family is only 25 people, so he septic was built for a campground. It is now a long term investment to comply with the state and county health dept. regulations. Race fans will hang out at their campers during the day. The evolution of the campground was discussed, from a family operation to a business. Plans for electric power was then discussed. Mr. Ziegenhorn's state plan sheets were then discussed. These plans were done in 2017. Plan submissions was discussed. The reviews when things changed was then discussed.

The zoning board asked what exactly Mr. Ziegenhorn is asking for. Mr. Ziegenhorn is asking for the future number of 20, 20 and 20, and people 40, 40 and 40 for 120 people max overnight. Mr. Ziegenhorn remarked that there would be no electric for now, but he may have electric in the future. He would potentially have someone on site every night from May 1 thru October 31, with Mr. Ziegenhorn commenting on his planned office on the site. He wants to limit stays to 3 nights. This would not allow for wind farm workers staying longer. Mr. Ziegenhorn does not want any long time RV use, such as for an entire season. But for now, he just wants to be allowed to have 20 RV's. Mr. Ziegenhorn did note that his plans indicate a proposal for a caretaker home, of which he said he would need to get a county permit, and that the state has already approved this development. He walked away from placing a manufactured home on the property. Clarification of what he wants is what the board is seeking. The 120 people limit was clarified. He would be willing to have people move along after 3 nights. Mr. Ziegenhorn does not want to cause any problem, he could avoid races and wind farm contractors. It would hard to say if you are attending the races or not. Four night race weekends were then discussed. So, what is he seeking. He would be willing to get a special permit for race weekends. He questioned by Bayou Bluffs allows people to move in for the season. He would be great with two nights, and base on reservations. Mr. Ziegenhorn is planning on electricity. The state recognizes it as a wilderness place. He has 32 acres, with plenty of room. He wants to get revenue to continue building what he wants to build. He believes that the future is cabins, not RV's. So, he is after cabins, and he may not need RV's if he has more cabins. 20 cabins and 20 RVs are what he wants. It may take about 5 years to get to 20 cabins. He does not want the 110 RVs the state would allow. Now it is 20, 20, 20 what he wants for now. He could come back and ask for more things. It was agreed this is all base on people numbers of 120. He wants a campground with 20 cabins, 20 campsites, and 20 RV's, or lesser depending on people count. If he wants to grow then he can go through the process again. Mr. Ziegenhorn then commented about state permitting for wilderness camping, and the potential to add electrical to the sites. He reviewed again what the state has approved. The State will authorize future development with the state inspecting each new development on his plan. No campers will be left on the property after October 31st, that are not in his name. He plans to have an office with a bedroom attached to it, which is already in his plans.

David Pilgrim at 5322 N – 2040 East Rd. He is an area resident read a statement of which a copy is in the file for this zoning case. In this statement he asked for the consideration of a small conservative number of campers/RV's be allowed. No permanent or semi-permanent site occupation by campers/RV's, with time limit requirements similar to those in state parks, with return visits being allowed after a set time limit. They would not like the storage of third party campers/RV's, and that no golf carts or atv's be used on the property or on the public roads. He would also like to see an annual review of this zoning case. Mr. Pilgrim confirmed where he lives south of the subject property. He is not excited about race weekend camping, but he is willing to see how a smaller scale transition works for this site. Mr. Pilgrim has had a small impact with the site so far, but he has continuing concerns with the sharp corners on the road in front of the campground. Mr. Ziegenhorn indicated that he has a 16 foot wide entrance, but RV's will enter the property further south.

Mr. Ziegenhorn commented about how the parking will be further south on the property, further down from the road curve. Mr. Ziegenhorn explained that his fence is 400 feet long and it is now complete except for the gate. It is about half way done. There is no culvert for the RV entrance.

Brad Beyers, 5997 N – 2060 East Rd., and resident about a half mile south of the subject property commented on the 20, 20 20 plan and as to if the reservations are not coming in for the cabin and tent camping they would not like the quota stacked to 60 RV's, and if 2 were in each RV he would still meet 120. He would not like to see RV numbers expanded to 20.

Donnie Simmons, Livingston County Public Health Department, commented about the design plan that Mr. Ziegenhorn has submitted to the state public health department. The state permit is on development. Mr. Simmons noted that Mr. Ziegenhorn's 2015 plans differ from the 2017 plans that were submitted to the state health department. The septic system was designed per person based on gallons for cabins and tents, with RV's being calculated per space. So, the septic system was designed based on what the zoning board approved, 20 cabins, 20 campsites, RV's 55 gallons per site, and for picnic areas it is 10 gallons per day per person. So, a rough number Mr. Simmons came up with was 4000 gallons per day as the working number. So, Mr. Simmons indicates that the 4000 gallons a day is the number, no matter in what form the people use the site, cabins, RV's tents, picnics etc. So, he needs to know what is out there at any one time. Mr. Simmons inquired as to if the sewer line from the bath house to the septic system is installed. The 20, 20, 20 does not work with the septic system. Mr. Simmons correspondence of November 9, 2017 was reviewed regarding the septic system flows. The septic system could work at 20, 20, 10. Tents to RV's could be converted. Mr. Ziegenhorn's septic sheet was then discussed, in regards to numbers used, with differences in opinion. Mr. Simmons noted that the state has not permitted RV sites at this point. The wilderness camping is the cabins and tenting. Wilderness camping is with no water or electrical hook ups. Dump station needs to be provided for RV's of which the state would need to approve. Though Donnie approves the septic system.

Golf cart usage was discussed of which Mr. Ziegenhorn would use his golf cart as a utility vehicle, moving people or things around. The length of stays at state campsites was discussed. The installation of the dump station was discussed. He has no RV's that dump into the septic. Should Mr. Ziegenhorn's 2 RV's be included in the 20 RV's proposed. Mr. Ziegenhorn would be okay with a deadline for a dump station if more RV's are approved. 20 RV's instead of 20 tent sites was discussed, in regards to a business standpoint. Mr. Ziegenhorn would be okay with 20, 20, 10. To spend money to increase the septic system he needs the approval for the numbers of the various sites discussed. Mr. Simmons related that the septic system is based on maximum use per day. Bayou Bluffs have some long term space use, with the septic based on everyday use, not just weekends. Mr. Ziegenhorn then discussed flexibility of reducing cabins to increase RV's. The zoning board then discussed the need for the campground to be a good neighbor. Mr. Ziegenhorn's will advertise for people to come out and enjoy the timber. Mr. Simmons discussed the septic system design to meet what is approved by the zoning board of appeals.

He looks at the zoning board approval of which he will evaluate pertaining to the septic system design. Mr. Ziegenhorn could go to Donnie Simmons to base his request on the septic system. Would minimum number of RV's be needed for the installation of a dump station was discussed. Mr. Ziegenhorn would agree to Mr. Pilgrim's letter requirements. Could be added as approval conditions, but time limit use may need to be researched and added as an additional condition also. Campground rules were then discussed.

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

No closing comments were made.

The zoning board discussed tabling this review to allow time to research state park regulations for limitations on stays. And to allow time to research what Mr. Ziegenhorn wants and to add conditions. Waiting a month will allow time for Mr. Ziegenhorn and the zoning board to research the matter.

William Flott moved, seconded by Neil Turner, that the Livingston County Zoning Board of Appeals tables this review of Livingston County Zoning Case SU-3-15 to allow time for this matter to be researched.

This motion was then approved by a roll call vote.

Kiefer - Yes

Runyon - Absent – did not vote

Flott - Yes

Stock - Yes

Turner - Yes

Huisman - Yes

November 21st will be the next zoning board of appeals meeting, of which Mr. Ziegenhorn would not have yet returned to Arizona.

Case SU-2-15 – Review – Pflibsen

This zoning case pertains to the review and a status update on the multi-use development of a building in a C1, Local Business, District, of which in part allows for an indoor shooting range and a rental services business. The subject property in this zoning case is located at 104 E. Livingston Rd., in unincorporated South Streator. The zoning administrator noted his past report and minutes relating to this zoning case. Drive up window, health department approval of the restaurant and the review of plans were issues they need to continue to be discussed. The road commissioner is not opposed to the drive up window plans, but he wants to know what the plans will be for the traffic flow and he wants to add a stop sign at the alley.

Brian Pflibsen, 839 State Route 18 East, Streator, representing the applicant and property owner in this zoning case presented testimony relative to this zoning case. Mr. Pflibsen thinks the drive up window is crucial to the restaurant business, and the sheet with his traffic flow in the parking lot is important.

A call station for ordering would need to be placed in the parking lot, allowing circling around the parking lot to the pick up window, with this keeping people off of the road. This would be the only traffic in this alley, and this is not a flow thru alley. The drive thru diagram was discussed in relation to an aerial photo. The proposed placement of the call station was discussed, in relation to traffic flow. The parking area can be developed to accommodate the area needed. The township control status of the alley was discussed. The alley is only 20 feet wide, with Mr. Pflibsen owning property on both sides. The timing of going thru the drive up was discussed, and a potential need for staging for people waiting for large food orders. The status of the health department approval of the kitchen was discussed, plans are with the health department. Mr. Simmons said a permit would be issued on a preoperational inspection. Mr. Pflibsen has not started in developing this area of the building. The status of the other building plans were then discussed. Mr. Pflibsen says he does not owe any money on the building, and he develops it with the resources his has with a current plan to finish the front and east side, then he may go to the bank to borrow the money to be done in about a year, ideally mid-summer of next year for everything. Mr. Simmons noted that there are limited areas to buy fast food in South Streator. At this point he does not plan on opening in stages, but all at once. Mr. Pflibsen discussed the status of his gun shop business sales. Township approval of the drive up window as discussed, and the reconfiguring of the parking lot. Returning with specific plans in December for approval was then discussed. The alley apron was then discussed.

William Flott moved, seconded by Neil Turner, that the Livingston County Zoning Board of Appeals continue zoning case SU-2-15 – Review to the regular December meeting for approval by the township to approve the alley use.

This motion was then approved by a roll call vote.

Kiefer - Yes

Runyon - Absent – did not vote

Flott - Yes

Stock - Yes

Turner - Yes

Huisman - Yes

SU-8-18 – Review – Sember

No one was present to represent this zoning case.

Other Business: None

Approval of the Findings of Fact and Decision: None since cases were tabled.

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 November 21st. at 7 pm and another meeting on December 5th.

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

This meeting was adjourned at 9:45 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