

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

Regular Meeting  
7:00 p.m.

January 9, 2020

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:

Minutes from a past meeting were passed out.

Business:

Case ZM-1-20 – Venturi

This zoning case pertains to a request to amend the zoning classification on the subject property from a I1, Light Industry, District classification to a R2, Low Density Multiple Family Residence, District classification. The subject property in this zoning case is approximately 2.286 acres, located in the southeast and southwest quarters of Section 1 of Reading Township at 917 E. Livingston Road, 1001 East Livingston Road and 1003 East Livingston Road, in unincorporated South Streator. The zoning administrator presented his report, exhibits and other information relative to this zoning case. The zoning board of appeals was informed that the Livingston County Regional Planning Commission had reviewed this zoning case at their January 6, 2020 meeting, and this planning commission recommends the approval of this zoning case as this zoning case was presented to the planning commission.

Karla and Vincent Venturi Sr. and Vincent Venturi Jr. of 917 E. Livingston Rd., Streator and Jeff Cook present regarding the property at 1003 Livingston Rd., Streator were present representing the applicants and property ownership pertaining to this zoning case. Vincent Venturi Jr. is planning on purchasing the property at 1001 E. Livingston Rd. Karla Venturi commented that they had lived at 917 E. Livingston Rd. since 1967.

The former neighbors at 1001 E. Livingston Rd. had lived there longer than that. Karla Venturi related that the purpose of this is to rezone the subject property(s) as residential, should if down the road they want to sell their property, that they will not have the problem that they are currently having with her sons purchase of 1001 E. Livingston Rd., and getting a loan with the property being zoned industrial. It was clarified that the zoning classification would be R2, matching similar zoning classifications in the area. The zoning board acknowledged that the property was developed residentially prior to zoning regulations becoming effective in Livingston County.

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

No closing comments were made.

William Flott moved, seconded by Neil Turner, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case ZM-1-20 be approved to allow for the amendment of the zoning classification on the subject property from a I1, Light Industry, District classification to a R2, Low Density Multiple Family Residence, District classification, concurring with the recommendation of the Livingston County Regional Planning Commission.

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

#### Case ZT-1-19 – Continued Review

This zoning case pertains to the review of a proposed text amendments for the purpose of amending the text of the Livingston County Zoning Regulations pertaining to cannabis regulations. The zoning administrator noted the notices given, and he remarked that the original report that the zoning members had received was presented to them again. The zoning administrator noted an article from the Pantagraph as to how the McLean County zoning board dealt with this issue, of which a copy of the article was presented to the zoning board of appeals. The zoning administrator then noted state requirements about 30 day notification to local building and zoning from cannabis business developers about receiving a state license, of which the county should be aware of if they approve the development. Setback issues were then mentioned, including a draft of text regarding the 1500 foot setback distance previously discussed. This draft language was read to the zoning board of appeals. A handout also noted that the state has a 1500 foot setback distance from other similar craft grower businesses, so the 1500 foot setback is established in that state requirement.

The zoning board members discussed the setback distance requirements, concurring that the 1500 foot setback distance is appropriate, as to 1000 feet mentioned in other documents previously reviewed. The placement of the setbacks in the proposed text was discussed.

The zoning administrator remarked that any new text language can be placed repeatedly with each business definition that is proposed. The zoning administrator then commented about how the zoning board wants to move forward, including remarks about the copy of a model ordinance for municipalities of which lists areas of how to comply with regulations. The zoning administrator commented on this model format. It was clarified that the primary purpose of this zoning text amendment application is to make cannabis businesses a special use. It was also noted that on site consumption is not allowed.

The zoning board then discussed about beginning with the special use procedure. The entire proposed amendment application was discussed. The proposed format was discussed. The zoning administrator recommended that we keep this simple. The zoning administrator's report packet, with attachments was discussed and clarified for intent. A question as to if the maps would be included in the ordinance, of which they will not since they already exist. In discussing these maps, the highlighted green commercial and orange industrial areas were discussed and explained. The floodplain and incorporated areas with zoning regulations are not part of these proposed cannabis business regulations. This amendment is in regard to the proposed cannabis businesses being reviewed as special uses in the future. It was clarified that the AG, district is part of the regulations relating to growing. The amend proposals were reviewed again as to how they would be placed in the zoning regulations. A discussion then took place as to how to incorporate setback distance requirements. The 1500 foot setback distance was talked about in regards to how much surrounding areas near the commercial and industrial areas would be eliminated, because of how close parks and schools are to commercial and industrial areas. It was clarified that the county board would be making final decisions on cannabis special use cases. The need to have setback distances in the amendments may be best so that developers are aware of them prior to filing for special uses.

Livingston County Board Agriculture, Zoning and Emergency Services Committee chair Jason Bunting was present at this meeting. He commented that the language was left broad, acknowledging that if a 1000 foot or 1500 foot setback distance is recommended that will allow for applicants to know what the setback distance requirements are up front. The value of leaving the requirements broad are beneficial, though he is not speaking for the committee he would agree with the setbacks, and the committee will work off that suggestion of setbacks. The value of putting the setbacks in the text amendment was then discussed. The limitations of a 1500 foot setback were then discussed. Residential setbacks were discussed to be included or kept out. The reasoning for leaving them off was discussed. It was clarified that the zoning board would be making a recommendation to the county board. How the proposed text amendments would be added to the zoning regulations was discussed again. Growing and processing was then discussed. The Board members then discussed as to how to add the definitions. The way the draft municipal ordinance was organized was discussed. The addition of setback distance after each section was discussed. Issues other than setbacks was discussed. Residential lots will not be included in setback areas. The definition of a church or house of worship was discussed. Organized houses of worship were agreed as the proper wording for churches etc. In regard to day care centers, it was agreed to be defined as licensed day care centers. The amendment can be tweaked later if need be.

Setbacks on nursing homes was then discussed, in regard to adding them to the list. The zoning board agreed to add licensed or accredited health care facilities to list of uses needing 1500 foot setback distances. The draft definition was changed from perimeter to property line. Language in the draft municipal ordinance referencing an affidavit affirming compliance was then discussed. New draft text amendment to read “Petitioner shall file an affidavit with the County affirming – compliance with all local, county, state and federal regulations rules and requirements.” Lighting and signage issues were discussed, but was not made part of the regulations because of the several scenarios for lighting and signage. The draft language the zoning board of appeals would like to add to this text amendment was then read. It was agreed that the new language would be attached to each proposed use in the original text amendment language, even though it would be repetitive. Wording of the motion was then discussed.

Richard Kiefer moved, seconded by William Flott, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case ZT-1-19, be approved recommending that the proposed text amendments for the purpose of amending the text of the Livingston County Zoning Regulations pertaining to cannabis regulations, as the new definitions are proposed for Section 56.1 and that the application proposed text amendment for special use procedures be approved as it is in the application. And, that for the application text amendment language for proposing to add special uses to the districts outlined in the application be allowed as proposed, with the additional text language for the 1500 foot setback distance and for the proposed affidavit text language after each proposed special use.

This motion was then approved by a roll call vote.

Kiefer - Yes  
Flott - Yes  
Turner - Yes

Runyon - Absent – did not vote  
Stock - Yes  
Huisman - Yes

Other Business: None

Approval of the Findings of Fact and Decision:

William Flott moved, seconded by Joe Stock, that the findings of fact and decision for this January 9, 2020 meeting be approved as drafted for Livingston County Zoning Case ZM-1-20 and ZT-1-19. 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 was informed that their next meeting is to be held on January 13th at 7 pm. A copy of an agenda for this meeting was handed out to the zoning board of appeals members.

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

This meeting was adjourned at 8:15 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