

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

Regular Meeting
7:00 p.m.

November 5, 2020

The meeting came to order and roll call was taken.

Members Present: Richard Kiefer, Richard Runyon, William Flott, Joe Stock, Dave Randolph and Joan Huisman.

Members Absent: Neil Turner

Approval of the Agenda:

Chair Huisman noted the agenda for this meeting. Dave Randolph moved, seconded by Richard Kiefer, that the agenda for this November 5, 2020 meeting be approved as presented.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Review of Minutes:

Chair Huisman proposed to move the approval of meeting minutes to the end of the meeting so that she had a chance to properly review them. This proposal was approved without objection.

Business to be reviewed:

Case V-5-20 – Carroll

This zoning case pertains to a proposed variance in road frontage in a lot located in an AG, Agriculture, District to allow for 30 feet of road frontage to the lot rather than 150 feet as normally required. The zoning administrator referred to his report, exhibits and other information relative to this zoning case. This matter had been tabled from the previous meeting for the applicant to have further discussion with the family about a solution for the issue as to whether the driveway from the proposed house lot to the road, be by easement or ownership.

C. Thomas Blakeman, 307 W. Washington St., Pontiac, representing the applicants and property ownership in this zoning case, presented testimony relative to this zoning case. Steve Carroll representing the ownership of the property was also present at this meeting. Mr. Blakeman explained that the applicant plans to purchase the land that the driveway is situated upon (approximately 0.79 acres) to alleviate concerns from the previous meeting. This access area is on the survey of this proposed lot area.

The zoning board inquired as to if this ownership proposal is reflected on the plat. Mr. Blakeman indicated that the ownership of the lane will be reflected on the documents recorded for this land division. So, there will be a public record. This ownership will also be reflected on the findings of fact and decision for this zoning case.

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

Bill Flott moved, seconded by Dave Randolph, that the Livingston County Zoning Board of Appeals approve Livingston County Zoning Case V-5-20 to allow for a variation in the lot width requirement to allow for a lot width of 30 feet instead of 150 feet of width, in an AG, Agriculture, District, and that this 30 foot wide area be owned as part of the proposed lot.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Cases ZM-4-20 & V-6-20 – Dollar General

This zoning case pertains to a request for a zoning map amendment to amend the zoning classification of a parcel of land from an AG, Agricultural, District to a C2, Central Business, District as well as a variance in parking spaces. Livingston County ordinance would require there to be 73 parking spaces. The applicant seeks a variance to have 30 parking spaces instead. This hearing is a continuation from the review of these zoning cases that started at last month's zoning board of appeals meeting. Last month's discussion in part focused on the safety of the location, west on Route 116 near Saunemin, across from Rt. 47. This being tabled allowed time for IDOT to be contacted in regard to the safety issue.

Paul Brown (301 W. Washington St., Pontiac, IL) from the Farnsworth Group was present to represent the applicant. Mr. Brown commented on the proposed location of this Dollar Store and the details about this store indicating that 30 parking spaces is more than enough. Issues of safety concern were mentioned, and Mr. Brown explained that they had contacted IDOT as requested from the last meeting and that IDOT did not seem concerned, but would do a study if merited. Mr. Brown noted that IDOT has approved an entrance permit for the proposed store. The zoning

board questioned as to IDOT interests in doing work to modify the IL Route 47 & IL Route 116 intersection to accommodate foot and bicycle traffic to the store's proposed location.

Mr. Brown noted that he does not believe the company would be interested in spending \$200,000 to construct a sidewalk and foot bridge among other things to accommodate foot and bicycle traffic. Mr. Brown noted that other Dollar General in Fairbury, Chatsworth and Flanagan do not have sidewalks leading to those stores. It will not be economically feasible for the store to provide the sidewalk structures.

The zoning board then inquired about the variance for the number of parking spaces. Mr. Brown commented on the number of parking spaces at other Dollar General, being around 30 and this number is adequate for this proposed store. Mr. Browns commented on the county zoning ordinance in the county is based on square footage, but Dollar General does not need spaces that will not be used.

Also present was the Saunemin village president, Bob Bradford. Mr. Bradford explained that at the village's most recent meeting, the safety concern of the store was noted, but there was support for the store to be built. Truck traffic into the Dollar General was then discussed, with Mr. Brown providing a diagram of trucks movements in Dollar General parking lots. Mr. Brown then related as to how Dollar General stores are developed, and as to the number of parking spaces they generally have with 30 parking spaces being a standard amount.

John Vitzthum, a nearby property owner was present and voiced his concern of the safety of people traffic. And he wants to know who will be responsible for the safety of the site. Further, he stated that children are always walking out to the current convenience store/gas station that is located on the Southeast corner of IL Route 47 and IL Route 116 and that they would be tempted to walk out to the Dollar General also.

Reasoning for the parking space variance was discussed, as chair Huisman wished to have an explanation as to why the variance was necessary so that precedence could be understood for future cases. Mr. Brown explained that this numbered of spaces is based on the normal store traffic. Generally, half of the spaces would be full at the Dollar General, with a peak of 20 spaces being used. It was agreed that the parking space figure is also based on the demographics of the area, and a need to reduce runoff and maintain green space. 30 is more than adequate for such a store. Ordinance issues were then discussed.

No other interested parties presented testimony.

Mr. Brown had no closing statement.

The chair requested that the parking space variance be the first zoning case to be acted upon.

Richard Runyon moved, seconded by Dave Randolph, that the zoning board of appeals approve Livingston County Zoning Case V-6-20 to a allow for a variation in the parking space requirements to allow for a total of 30 parking spaces, for this proposed Dollar General development.

The board then began discussing the variance portion of this case.

Mr. Runyon related that there is little foot traffic to the Dollar General in Chatsworth, and that it may be best to have the proposed Saunemin Dollar General as a drive to, and that they discourage any foot traffic to the planned store. He believes it is unfortunate that it won't be located in Saunemin, but the store will be beneficial to the area. Richard Kiefer commented on the store in Gridley across 24, and he has not seen any foot traffic. He also noted that they have a 30 space parking lot, and the most he has seen in the lot is five vehicles. The chair mentioned these comments as reasoning for the variance. Mr. Kiefer noted that the ordinance could be reviewed. Mr. Kiefer and Mr. Randolph noted that they have never seen a Dollar General store parking lots full. Potential foot traffic was discussed, with Mr. Vitzthum noting his safety opinion.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Then in addressing the zoning map case, Richard Kiefer moved, seconded by Joe Stock, that the Livingston County Zoning Board of Appeals recommend to the Livingston County Board that Livingston County Zoning Case ZM-4-20 be approved, to allow for the zoning classification on the subject property be amended from an AG, Agricultural, District classification to a C2, Central Business, District classification.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

As part of a discussion pertaining to the solar energy special use review cases, Bill Flott suggested that they consider a consistent future review in two years.

Then the Chair moved to the remaining agenda items being the review of multiple solar farm projects, deciding to begin these reviews by allowing for representatives of the applicants to discuss the current status of solar energy in Illinois and common interests. Mel Samaroo and Justin Hardt representing the Borrego Solar's Murphy, Weller and Beckman cases, Matt Kaufmann representing Threshermen Solar and Miacomet Solar cases, Kevin Betz representing the Vermillion Solar cases, and Adam Siegelstein representing the DG Solar case participated in the meeting via Zoom. Kevin Betz stated that the State of Illinois has not moved forward, and with their cases on the wait list they cannot move forward. Since last year there has been no change in legislation though some scandal has come up that is delaying decisions on solar energy in Illinois.

With no decisions possibly until 2021 then they will not be able to move forward until 2022. They want to maintain their position on the wait list, so they can move forward, and part of maintaining their wait list spot they need the projects extended and extending them for two years makes sense. They have not made changes on their projects. Mel Samaroo, stated they are comfortable with two year extension. Matt Kauffman thought the proposed two year extension would work well for them also. Adam Siegelstein agrees with what was said, but that it may be best to extend the review period out further to three years, since the state is unknown at this point but they have hopes of new legislation in the Spring of 2021, and with a deep wait list about 350 projects will require substantial funding that may not come at once. Two years at a minimum is good, but three years would give more runway.

Matt Kaufman addressed Threshermen and Miacomet, they continue to work to keep these programs viable, as they remain on the wait list and they remain interested in these projects moving forward to construction. In regard to the Borrego, Murphy, Weller and Beckman, Justin Hardt indicated that the Murphy and Weller projects are still being planned to be developed, but the plan to withdraw the Beckman SU-12_18. Kevin on the Vermillion projects they have maintained their land contracts and have maintained their wait list spots. Adam the Watson project is on the wait list and they have under option for a couple of more years that could be extended. They are maintaining the project as they wait for the adjustable block program to allow them to move forward. Options lengths were then discussed between the developers and the zoning board of appeals. The options lengths and how they are structured do vary. If options run out they would go back to the landowners for extensions. They have an option to start a lease also. A solar developer group(s) that deals with legislation was then discussed. No one really knows when new legislation will be passed.

No interested parties presented any testimony.

Chair Huisman then recommended formal action for each case to be reviewed in 2 years, with the zoning board of appeals members agreeing with this review time period.

Case SU-2-18 – Threshermen Solar

Richard Kiefer moved, seconded by Richard Runyon, that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-2-18 (Review) for a 2 MW Solar Facility, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and past public hearing(s), with the same conditions, previously approved, other than to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-3-18 – Miacomet Solar

Bill Flott moved, seconded by Joe Stock that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-3-18- Review – for a 2 MW Solar Facility, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and past public hearing(s), with the same conditions, previously approved, other than the condition to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-5-18 – Borrego Solar – Murphy

Joe Stock moved, seconded by Dave Randolph, that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-5-18, (Review) – for a 2 MW Solar Facility, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and at past public hearing(s), with the same conditions, previously approved, other than the condition to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-7-18 – Borrego Solar – Weller

Joe Stock moved, seconded by Dave Randolph that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-7-18 (Review) – for a 2 MW Solar Facility, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and past public hearings, with the same conditions, previously approved, other than the condition to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-12-18 Borrego Solar – Beckman

Bill Flott moved, seconded by Richard Runyon, that the Livingston County Zoning Board of Appeals rescind the special use for the Livingston County Zoning Case SU-12-18, (Review) for a 2 MW Solar Facility, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at the public hearing(s) pertaining to this zoning case.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-9-18 Vermillion Solar I

Richard Runyon moved, seconded by Joe Stock, that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-9-18, (Review) – for a 2 MW Community Solar Farm, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and past public hearing(s), with the same conditions, previously approved, other than the condition to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-10-18 – Vermillion Solar II

Richard Kiefer moved, seconded by Richard Runyon, that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-10-18, (Review) – for a 2 MW Community Solar Farm, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and past public hearing(s), with the same conditions, previously approved, other than the condition to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Case SU-11-18 – DG Solar – Watson

Joe Stock moved, seconded by Richard Runyon that the Livingston County Zoning Board of Appeals approve the continuation of the special use for Livingston County Zoning Case SU-11-18, (Review) – be approved for up to a 4 MW Community Solar Farm, in an AG, Agricultural, District, as outlined in the application for this zoning case, and as presented at this and past public hearing(s), with the same conditions, previously approved, other than the condition to review this zoning case again in 2 years. This case is to be reviewed in 2 years.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Other Business: Discussion about meeting minutes that were distributed from September and October 2019 meetings as well as the January 2020 was had. Chair Huisman stated that she did not have a chance to review the minutes and recommended that they be on the agenda for approval at the next board meeting. No objections were made.

Findings of Fact and Decision:

Dave Randolph moved, seconded by Richard Runyon, that the Finding of Fact and Decision for all zoning cases approved or recommended on at this meeting be approved.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Report of Officers:

The December meeting date of December 10, 2010 at 7 pm was discussed, with the potential of several special use reviews to take place. The Sember case can be added to the list of cases to be reviewed.

Public Comment : Jason Bunting as chair of the Agriculture, Zoning and Emergency Services Committee of the Livingston County Board asked that the zoning board consider reviewing the minutes from past meetings as soon as they are available to meet open meeting act requirements. Taking into consideration Mr. Bunting’s comments Chair Huisman suggested taking time to review the minutes that were distributed and approving them at tonight’s meeting without objection. Members of the board then reviewed meeting minutes from September and October of 2019 and from the January 2020 meeting. Two items to correct were noted.

Chair Huisman then asked for a motion to approve meeting minutes from October 8, 2020 meeting. Then Bill Flott moved, seconded by Joe Stock, that the minutes from the October 8, 2020 meeting be approved.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

After taking time to review the minutes from the September 19, 2019 meeting noting they need to be amended on page 5 changing the last word on the last line of the first paragraph from discuss to discussed, October 10, 2019 meeting noting that they need to be amended to reflect Richard Kiefer present not absent at this meeting, and the January 9, 2020 meeting, and the Chair Huisman then asked for a motion to approve meeting minutes from these three meetings as amended. Then Bill Flott moved, seconded by Joe Stock, that these minutes be approved as amended. This motion was approved by roll call vote.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

Adjournment:

The chair asked for a motion to adjourn. Then Joe Stock moved, seconded by Dave Randolph, that this meeting be adjourned. This motion was approved by roll call vote.

This motion was then approved by a roll call vote.

This motion was then approved by a roll call vote.

Kiefer –	Yes	Runyon –	Yes
Flott –	Yes	Stock –	Yes
Randolph-	Yes	Turner –	Absent – Did not Vote
Huisman -	Yes		

This meeting 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

