

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

Regular Meeting
7:00 p.m.

November 21, 2019

The meeting came to order and roll call was taken.

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

Members Absent: None

Agenda:

Chair Huisman noted the agenda for this meeting. William Flott moved, seconded by Joe Stock, that the agenda for this November 21, 2019 meeting be approved as presented. This motion was approved by a unanimous vote.

Approval of the Minutes: None

Business:

Case SU-3-14 - Review – Ken's Oil

This zoning request pertains to review of a request for a special use that allows for the upgrade of an existing bulk storage of petroleum products facility, in an AG, Agriculture, District. The property in question in this zoning case is a tract of land 1.51 acres in size, located in the Southeast Quarter of Section 21 of Forrest Township. The zoning administrator presented his report, exhibits and other information relative to the review of this zoning case.

Ken Edelman, 508 East – 1400 North Rd. , Sibley, IL., and Alex Dotterer, 23812 E – 1000 North Rd., Fairbury, IL representing of the applicant presented testimony relative to this zoning case. Mr. Edelman referred to an aerial photo of the subject property, noting that the wood business next door has expanded with product on their property. Mr. Edelman related that he s planning ion putting fencing up to separate the two properties and to better control the business traffic, between the two businesses. Mr. Edelman explained the structures that they have on the property, and that they have to follow proper regulatory plans. Mr. Edelman then mentioned that they are considering relocating. The zoning board inquired about and Mr. Edelman explained as to where they will place the fence. Mr. Dotterer explained about how their adjoining wood business is rearranging their products on their property. They plan on putting up a chain link fence. Mr. Edelman said it would be costly to move. Mr. Edelman confirmed that he has built out as previously proposed. The existing conditions placed on this special use were reviewed. Mr. Edelman remarked that they do not plan on any more changes on this property, if they are to expand they will need to move.

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

Mr. Edelman had no closing comments.

William Flott moved, seconded by Neil Turner, that Livingston County Zoning Case SU-3-14 – Review be approved allowing for the continued location of the existing bulk storage, petroleum storage facility , in an AG, Agriculture, District with this zoning case to be reviewed again in five years unless otherwise determined by the zoning administrator.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Turner – Yes

Runyon – Yes
Stock - Yes
Huisman - Yes

Case SU-11-18 – Review – DG Solar

This zoning request pertains to review of a request for a special use that allows for solar energy project in the Southeast Quarter of Section 9 of Sunbury Township. The zoning administrator informed the zoning board that a representative of this zoning case was unable to attend this meeting, requesting that this review be delayed until the next zoning meeting.

William Flott moved, seconded by Joe Stock, that Livingston County Zoning Case SU-11-18 - Review be continued to the upcoming December meeting.

This motion was then approved by a roll call vote.

Kiefer – Yes
Flott – Yes
Turner – Yes

Runyon – Yes
Stock - Yes
Huisman - Yes

Cases SU-9-18 and SU-10-18 - Review – Vermilion I & II

These zoning requests pertain to reviews of requests for two special uses that allows for solar energy projects in parts of Sections 35 & 36 of Pontiac Township. The zoning administrator presented his report, exhibits and other information relative to the review of this zoning case, primarily being copies of the special use request reviewed and approved in 2018, by providing binder application material, and a copy of the existing findings of fact and decision were also presented and discussed. The states lottery process was noted, in creating this one year review.

Kevin Betts, 89 N Bacton Hill Road, Frazier Pennsylvania representing Community Energy Solar, provided testimony relative to this zoning case. Mr. Betts commented that neither of these projects were selected in the state lottery, but he believes they will be selected in the future. Their plans for these projects have not changed, and they are viable for Com Ed. They are now on hold why they are waiting for the state to update their energy plans. They hope that the county gives them more time to work with the state regarding the future of these projects.

The zoning board inquired about as to any of their projects had been approved in the lottery process. Mr. Betts confirmed that they had a project approved through the lottery, with this project being in Grundy County. Mr. Betts indicated that they generally does the technical work for his company. The interconnect agreement time line was then discussed, and as to how with the lottery interconnects need to be restudied. They plan on resubmitting a reconnect application once the state approves their project. It is anticipated that it would take a month to four months to have the new interconnect agreement reviewed. They hope that the state will have new plans to move forward next year. They are not considering a storage facility at this site. The timing of the interconnect agreement was discussed. The uncertainty of the state's action was discussed, in relation to continuing their solar applications. The cost and timing of the interconnect agreement was discussed, with the state needing to provide clarity. A discussion then took place as to how other states permit solar projects. Illinois's lottery system is unique, and it ended up that in their first lottery about 10% were approved. The upfront risk of proposing such project was discussed. So, these projects are dear to their business, though this is a tough market. A question was asked about if a power purchase agreement would be part of this development. Mr. Betts explained that this is a community solar project, and he described how community solar projects work.

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

In his closing statement Mr. Betts thanked the zoning board members for their time this evening.

William Flott moved, seconded by Neil Turner, that the Livingston County Zoning Board of Appeals approve the continuation of Livingston County Zoning Case SU-9-18, for the continued approval for a 2 MW Solar Facility, in an AG, Agriculture, District, as outlined in the application for this zoning case and as presented at the public hearings for this zoning case, with the conditions that are part of the approval of this zoning case, with a this zoning case to be reviewed in one year, November of 2020. A discussion on changes in an application in regard the timing of an interconnect agreement was discussed, of which could warrant a zoning regulations text amendment. The uniqueness of this situation was then noted.

This motion was then approved by a roll call vote.

Kiefer – Yes	Runyon – Yes
Flott – Yes	Stock - Yes
Turner – Yes	Huisman – Yes

William Flott moved, seconded by Neil Turner, that the Livingston County Zoning Board of Appeals approve the continuation of Livingston County Zoning Case SU-10-18, for the continued approval for a 2 MW Solar Facility, in an AG, Agriculture, District, as outlined in the application for this zoning case and as presented at the public hearings for this zoning case, with the conditions that are part of the approval of this zoning case, with a this zoning case to be reviewed in one year, November of 2020.

This motion was then approved by a roll call vote.

Kiefer – Yes	Runyon – Yes
Flott – Yes	Stock - Yes
Turner – Yes	Huisman - Yes

Cases SU-2-19 and V-7-19 - Slagel

These zoning cases are in regard to a review of variance in the proposed lot width, to allow for a lot to have a width of 40 feet instead of 150 feet in an AG, Agriculture, District and the review of a special use for a contractor's storage yard to ensure the continuation of two long lasting businesses on the property, Slagel Monument and Slagel Insulation, all part of proposed two lot subdivision of the subject property. The subject property in these zoning cases is a 3.87 acre parcel of land, located in the Northwest Quarter of Section 10 of Belle Prairie Township, at 21074 E – 200 North Rd., Fairbury, IL. The zoning administrator reviewed the report, exhibits and other pertinent information regard this zoning case.

Kevin Slagel, 24123 E - 100 North Rd., Cropsey, and James Slagel, 21704 E – 200 North Rd., Fairbury, presented testimony relative to this. Kevin Slagel commenting about their proposed Lot 1 on which the special use monument/insulation businesses. is located related that they would like to expand their business, an at this time they would like to divide the residential and commercial areas of the property. New generations are taking over the business so it is a good time to divided the property, leaving the residential property as it is currently used. This division as proposed would allow for expansion of the business to the south. They plan on adding a drive for the business, leaving the existing drive in place. This will be a commercial drive way making it easier to unload semis. This way semis would not have to be unloaded off the road. James Slagel commented about needing to unload off of the road, for safety reasons.

The zoning board then asked questions about the number of employees. It was noted that draft conditions had been presented to the zoning board members. The hours of operation were then discussed as being from 6 to 6. They now have 5 total employees with the possibility of adding 5 additional employees. Signage was discussed, with a plan to add a sign at the new driveway. It was confirmed that there are no closes neighbors. The road frontage width being proposed as being wide enough was discussed, as part of them purchasing adjoining property for this planned property division.

No other interested parties presented testimony.

In their closing statements they thanked the zoning board member for their time.

Neil Turner moved, seconded by Joe Stock that the zoning board of appeals approve Livingston County Zoning Case V-7-19 allowing for a lot width variance that allows for the proposed lot 1 to have a lot width of 40 feet instead of 150 feet in an AG, Agricultural District.

This motion was then approved by a roll call vote.

Kiefer – Yes	Runyon – Yes
Flott – Yes	Stock - Yes
Turner – Yes	Huisman – Yes

William Flott moved, seconded by Neil Turner, that Livingston County Zoning Case SU-2-19 be approved allowing for the location of a special use of a contractor's storage yard for the Slagel Monument and Slagel Insulation operations. the in an AG, Agriculture, District with the conditions as listed as drafted and listed in the findings of fact and decision, with this zoning case to be reviewed again in five years, with the number of employees being listed as 10 employees, with the hours of operations as 6 to 6.

This motion was then approved by a roll call vote.

Kiefer – Yes	Runyon – Yes
Flott – Yes	Stock - Yes
Turner – Yes	Huisman - Yes

Case ZT-1-19 – Livingston County

This zoning case is in regard to proposed text amendments for the purpose of amending the text of the Livingston County Zoning regulations pertaining to cannabis regulations. This is the initial review of this text amendment by the zoning board, and is open for their comments. The zoning administrator reviewed his report, which included a partial copy of Illinois House Bill 1438, A Cannabis and regulation Tax Act. The report noted that a requirement of compliance with local requirements for the state to issue a license for a cannabis operation. This report also included a copy of the proposed text amendment adding new definitions pertaining to cannabis, the addition of cannabis related businesses special uses to multiple districts. And zoning maps of the various districts. A text amendment to amend the special use procedures to allow for the county board to make a final approval of the proposed cannabis business special uses is also being proposed. How medical cannabis and hemp regulations differ from the proposed regulations. A discussion on the need to consider setback distances will need to take place. Setback distances of 1000 feet and 1500 feet for limited uses such as schools were mentioned and have been in documents related to cannabis businesses. These setbacks would limit cannabis businesses in the small communities of the county administers zoning.

The proposed definitions were then reviewed. The areas in which these regulations would apply were reviewed. Issues for the zoning board to discuss are conditions of a need for state licensing, a setback distance of 1500 feet. State regulations in place were mentioned such as hours of operation and signage.

The zoning board talked about the options on how to address these proposed text amendments. The zoning board noted that this is a lot of information to review at one time. The Dwight cannabis growing operation concerns were discussed, including odor. Water usage was discussed. A preference to look at this further and come back to discuss a recommendation was expressed. How other government entities were addressing this matter was then

Richard Kiefer moved, seconded by Neil Turner, that the Zoning Board of Appeals table Livingston County Zoning Case ZT -1-19 to the January 2020 zoning board of appeals meeting.

This motion to table this zoning case was then approved by a unanimous voice vote.

Other Business:

Case SU-13-15 – Review – Ziegenhorn –

The zoning board reasoned that it would be appropriate to bring Mr. Ziegenhorn back to one of their meetings next Spring, to discuss the status of his zoning case.

Approval of the Findings of Fact and Decision:

William Flott moved, seconded by Richard Runyon, that the findings of fact and decision for approved or recommended case at this November 21, 2019 meeting be approved as drafted for Livingston County Zoning Cases in which final action was taken at this meeting. This motion was approved by a unanimous voice vote.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update:

The zoning administrator handed out an information packet regarding Pontiac Flying Service's proposed special use to be reviewed next month.

The next meeting for the zoning board of appeals was discussed concluding that the next meeting can be scheduled for December 5th, at 7:00 pm.

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

This meeting was adjourned at 9:05 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