



AGENDA  
McLEAN COUNTY ZONING BOARD OF APPEALS  
Tuesday, March 6, 2018  
Room 400, Government Center  
115 East Washington Street, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

APPROVAL OF MINUTES

APPEARANCE BY MEMBERS OF THE PUBLIC *(An opportunity is provided for members of the public to address the public officials on matters not listed below. Public comment will not exceed 20 minutes. Each member of the public will be allowed 3 minutes of commentary.)*

7:00 P.M. – Case SU-18-06, an application of Cory and Bonnie Garrett, in case SU-18-06 on parcel 34-08-400-003. They are requesting a special use to allow a single family residence in the A-Agriculture District for the daughter of the farm owner on property located in Funks Grove Township immediately south of 50 North Road approximately .8 miles east of 700 East Road. This is a recommendation to the County Board.

7:10 P.M. – Case ZA-18-03, an application of Breezewood Solar, LLC by Cypress Creek Renewables, in case ZA-18-01 on parcel 21-21-176-002. It is requesting a zoning map amendment to change the zoning classification from C-Commercial District in part and R-1 Single Family Residence District in part to the A-Agriculture District on property located in Bloomington Township immediately southwest of the intersection of Margaret Street and the Business U.S. Highway 51 Frontage Road. This is a recommendation to the County Board.

7:30 P.M. – Continuation of Case SU-18-02, an application of Lexington Chenoa Wind Farm LLC, by EDP Renewables North America LLC in case SU-18-02. It is requesting a special use for a Wind Energy Conversion System – a wind farm that is located in Chenoa, Yates, and Lawndale Townships, and generally bounded to the west by Old Route 66, to the north by 3200 North Road, to the east by County Highway 13, and the south by the line established by 2300 North Road if it were extended. This is a recommendation to the County Board.

DISCUSSION OF PETITIONS

NEXT MEETING DATE – 7:00 P.M., April 3, 2018

ADJOURNMENT

## RECORD OF MINUTES

### McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, February 6, 2018

Room 400, Government Center

115 E. Washington Street, Bloomington, Illinois

1. CALL TO ORDER: Chair, James Finnigan called the meeting to order at 7:00 PM.
2. ROLL CALL: Secretary Philip Dick called the roll and noted the presence of a quorum as follows: Rick Dean, Julia Turner, James Finnigan, Brian Bangert, Michael Kuritz, Marc Judd, Chris Carlton (Alternate Member) and Mary Beth Taylor (Alternate Member). Member Drake Zimmerman was absent. Also present were Darrell Mitchell, Zoning Enforcement Officer, Luke Hohulin, Assistant County Engineer and Samantha Walley, Assistant State's Attorney.
3. APPROVAL OF MINUTES: Motion was made by Turner/Kuritz to approve the minutes from the January 2, 2018 Zoning Board of Appeals meeting.  
  
The roll call vote was seven members for the motion to approve, none opposed and member Drake Zimmerman was absent.
4. APPEARANCE BY MEMBERS OF THE PUBLIC: No one came forward to speak on matters not on the agenda.
5. REGULAR AGENDA:

Case ZV-18-01, application of Martha Stearns for a variance in side yard requirements to allow a storage building to be as close as 3 feet from property lines rather than 20 feet as required in the R-1 Single Family Residence District; on property located in Hudson Township at 24834 Nighthawk Rd., Hudson, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated the seven standards for a variance were met and the staff recommended approval of the application.

Martha Stearns, 24834 Nighthawk Rd., Hudson, IL, appeared to give testimony and was sworn. She indicated that she needed the building to store lawn mowers and equipment to maintain her yard.

The board reviewed and discussed the seven standards for variances and found them met.

Motion was made by Kuritz/Turner to approve case ZV-18-01.

The roll call vote was seven members for the motion to approve, none opposed and Member Zimmerman was absent.

Case SU-18-01, application of Kenneth R. Myszka for a special use to allow an Agricultural Tourism Facility in the Agriculture District; on property located in Old Town Township at 23676 E 800 North Rd., Downs, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated the seven standards for a special use could be met, provided compliance with the proposed stipulations. He indicated that staff recommended approval of the application with the proposed stipulations.

Kenneth R. Myszka, 23676 E 800 North Rd., Downs, IL, John Pratt, 506 Vale St., Bloomington, IL and Stu Hummel, 1609 N. Roosevelt Ave., Bloomington, IL appeared to give testimony and were sworn. Mr. Pratt indicated that the applicant agrees with the recommended stipulations and he has talked with the neighbors about the project. Mr. Myszka indicated that he grew up on the property and that he moved back to the property two years ago. He indicated that the property is large enough to provide food for the three restaurants of the Epiphany Farms Hospitality Group for the next five years. He indicated that the building is sized for 250 people for weddings and receptions.

Anna Ziegler, 2242 Westgate Dr., Bloomington, IL said that she is representing McLean County Farm Bureau, and asked if this building was built as a farm building and whether zoning would allow it to be used for the proposed use.

Philip Dick, Director of Building and Zoning, indicated that only the first floor of this building would be allowed to be used for receptions and weddings.

Phil Kronmiller, 23762 E 800 North Rd., Downs, IL appeared to give testimony and was sworn. He indicated that he owns the residential property to the east and he is concerned about noise on his property and people driving up his driveway.

Steve Dean, 206 S. Park Ave., LeRoy, IL appeared to give testimony and was sworn. He indicated that he is the mayor of LeRoy and he supports the special use.

David Doris, 23788 E 800 North Rd., Downs, IL appeared to give testimony and was sworn. He indicated that he formerly owned the property, that it was always used for pasture land and that this special use is the best use for this land.

The board reviewed and discussed the seven standards for special uses and found them met provided the recommended stipulations.

Motion was made by Kuritz/Carlton to recommend approval of case SU-18-01 with the stipulations recommended in the staff report.

The roll call vote was six members for the motion to recommend approval, none opposed, Member Zimmerman was absent and Member Dean recused himself.

A verbatim transcript is being prepared for the following four cases and therefore no other minutes are provided.

Case SU-18-03, an application of Arrowsmith I Solar, LLC by Cypress Creek Renewables, in case SU-18-03;

Case SU-18-04, an application of Arrowsmith II Solar, LLC by Cypress Creek Renewables, in case SU-18-04;

Case SU-18-05, an application of Moraine Solar, LLC by Cypress Creek Renewables, in case SU-18-05; and

Case SU-18-02, an application of Lexington Chenoa Wind Farm LLC, by EDP Renewables North America LLC in case SU-18-02.

#### 6. ADJOURNMENT:

The Chair declared the meeting adjourned at 10:05 PM.

**STAFF REPORT FOR A SPECIAL USE**

**McLean County Department of Building and Zoning**

**CASE NUMBER SU-18-06**

**1. REFERENCE:**

- a. Hearing date: March 6, 2018
- b. Applicants' names and address: Cory and Bonnie Garrett, 202 W. Morgan St.,  
P.O. Box 332, McLean, IL 61754
- c. Land owners' names and address: Same

**2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:**

- a. Property location: Immediately south of 50 North Road approximately .8 miles  
east of 700 East Road
- b. Township: Funks Grove Township
- c. Parcel Number: 34-08-400-003
- d. Existing zoning: A-Agriculture District
- e. Applicant request: For a special use to allow a single family residence in the A-  
Agriculture District for the daughter of the farm owner
- f. Existing land use: Vacant

**3. DIMENSIONS:**

- a. Size of Parcel: 1.5 acres
- b. Road Frontage: 274 feet on the south side of 50 North Road

**4. EXISTING LAND FEATURES:**

- a. Topography: Hilly
- b. Drainage: To the north, south and to the east to Prairie Creek which is  
approximately 150 feet to the east of the property
- c. Vegetation: Grass and trees
- d. Public Road: Oil and chip 15 feet in width

**5. SURROUNDING ZONING: A-Agriculture District on all sides**

**6. SURROUNDING LAND USE:**

- a. North: Crop production
- b. South: Crop production
- c. East: Wooded area
- d. West: Crop production

**7. RESIDENTIAL USES:** Article 5 Section 350-35.G provides for methods to allow new single family residences in the Agriculture District as permitted uses or as special uses based on the following three criteria: (1) if the residential use is found to be necessary for the conduct of agriculture in the area; (2) if the lot is found to be undesirable for other uses permitted in the district; or (3) if constructed on a lot set aside from a tract of land, the principal use of which is agriculture, provided that such dwelling is initially occupied by a child, parent or spouse of the owner of the original agricultural tract from which such lot is set aside for residential purposes.

This application is filed under the 3<sup>rd</sup> criteria; one of the applicants is the daughter of the farm owner. One of the applicants' fathers owns the farm from which these 1.5 acres was set aside. The Zoning Ordinance allows a non-farm residence for the son or daughter of the farm owner.

**8. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:**

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **86.7** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **154** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **240.7 points** out of a maximum of **300** points.

**EVALUATION RESULT:**

The LESA Report indicates that a total score of **230 points and above** means that the property is of **high** value for agricultural land protection.

- 9. STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:

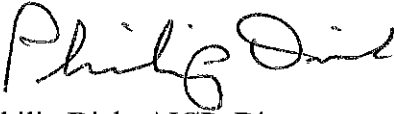
- a. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. One of the applicants is the daughter of the owner of the original agriculture tract from which this property was set aside. The proposed special use will not endanger the healthy, safety, morals, comfort or welfare of the public.
- b. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The proposed dwelling for the daughter of the farm owner of the agricultural tract is compatible with uses in the vicinity.
- c. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. One of the applicants is the daughter of the owner of the farm from which this property was set aside. Nearby land that is suitable for crop production will continue to be suitable for such use.
- d. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The proposed dwelling will be served by private well and septic system that will need to be approved by the County Health Department. The property has 274 feet of frontage on the south side of 50 North Road.

- e. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe sight distance can be provided at the proposed entrance. The applicant has obtained approval from the Funks Grove Township Road Commissioner for an entrance to the property.
- f. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met.
- g. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met. In the Agriculture District the Zoning Ordinance allows a non-farm residence for the son or daughter of the farm owner.

**10. CONCLUDING OPINION:**

Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits), provided the one of the initial occupants is Bonnie Garrett, the daughter of the owner of the farm property from which this property was set aside.

Respectfully submitted,



Philip Dick, AICP, Director

**McLean County Department of Building and Zoning**

**STAFF REPORT FOR A MAP AMENDMENT**

**CASE NUMBER ZA-18-01**

**1. REFERENCE:**

- a. Hearing date: March 6, 2018
- b. Applicant's name and address: Breezewood Solar, LLC by Cypress Creek Renewables, 5310 S. Alston Ave., Durham, NC 27713
- c. Land owner's name and address: Loraine Stevens Trust c/o Cheryl Durbin 13603 N. 2300 East Rd., Bloomington, IL 61705

**2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:**

- a. Property location: Immediately southwest of the intersection of Margaret Street and the U.S. Highway 51 Frontage Road
- b. Township: Bloomington Township
- c. Parcel numbers: 21-21-176-002
- d. Existing zoning: C-Commercial District and R-1 Single Family Residence District
- e. Applicant request: Map amendment to change the zoning classification from C-Commercial District in part and R-1 Single Family Residence District in part to the A-Agriculture District
- f. Existing land use: Crop production

**3. DIMENSIONS:**

- a. Size of Parcels: 30.8 acres
- b. Road Frontage: 500 feet on the south side of Margaret Street and 550 feet on the west side of the U.S. Highway 51 Frontage Road

**4. EXISTING LAND FEATURES:**

- a. Topography: Hilly
- b. Drainage: To the southwest
- c. Vegetation: Crop production
- d. Public Road: Margaret Street is a concrete street 30 feet in width, the U.S Highway 51 Frontage Road east of the Clearview Subdivision is a gravel road 9 feet in width, and the U.S Highway 51 Frontage Road south of the Clearview Subdivision is an asphalt road 20 feet in width

**5. SURROUNDING ZONING:**

- a. North: R-1 Single Family Residence District
- b. South: M-1 Restricted Manufacturing District across Interstate I-74
- c. East: C-Commercial District across U.S. Business 51
- d. West: R-1 District

6. **SURROUNDING LAND USE:**

- a. North: Single family residences
- b. South: Commercial uses across Interstate I-74
- c. East: Commercial uses across U.S. Business 51
- d. West: Crop production

7. **STAFF ANALYSIS:**

The analysis of the seven standards listed in Section 350-21.F. (Amendments) of the McLean County Code as they apply to this Zoning Amendment request is as follows:

- a. **The proposed amendment is compatible with appropriate uses, appropriate zoning classifications in the area and appropriate trends of development in the general area, giving due consideration to dominant uses.** This standard is met. The subject property has had its existing zoning classifications since zoning was established in 1966. Although the subject property is adjacent to U.S. Business 51 on the east and to Interstate I-74 on the south, it has very poor access to these highways for commercial or residential uses and therefore remains in crop production. Intergovernmental staff reviewed this project and found it consistent with the 2009 McLean County Regional Comprehensive Plan as well as the City of Bloomington Comprehensive Plan adopted in 2015.
- b. **The proposed zoning classifications are appropriate as it relates to the physical characteristics of the subject property, giving due consideration to the uses permitted in both the existing and the proposed zoning classifications.** This standard is met. The topography and dimensions of the property are suited for uses permitted in the A-Agriculture District. The property has been used for crop production for many years. The subject property has poor access to adjacent highways for developing the property for residential or commercial uses. This rezoning would allow the applicant to apply for a special use to develop part of the property for a solar farm.
- c. **Adequate and safe accessibility to the subject property from a public road is available or can be reasonably supplied, giving due consideration to uses permitted in the proposed zoning classification.** This standard is met. The property has approximately 500 feet of frontage on the south side Margaret Street and 550 feet on the west side of the U.S. Highway 51 Frontage Road.
- d. **Adequate public roads connected to the arterial highway system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.** This standard is met. To develop this property in the Agriculture District, good access to the arterial highway system is not needed. The property has adequate access to a public road to develop this property for uses allowed in the Agriculture District.
- e. **The proposed amendment is consistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.** This standard is met. The property drains to the southwest. The property is not located within the 100



year flood hazard area. The property has been used for crop production for many years.

- f. **Adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.** This standard is met. Intergovernmental staff found that providing public sewer to this area would be a challenge, therefore, this standard would be met by rezoning this property to Agriculture. The Bloomington Township Fire Protection District will provide fire protection for the subject property.
- g. **The proposed amendment is consistent with the public interest, giving due consideration to the purpose and intent of this ordinance.** This standard is met.

9. **CONCLUDING OPINION:**

Staff recommends that this application meets all of the standards set forth in Article II Section 350-21.F. (Amendments) of the McLean County Zoning Ordinance.

Respectfully submitted,



Philip Dick, Director