

RECORD OF MINUTES

McLEAN COUNTY ZONING BOARD OF APPEALS

Tuesday, January 7, 2020

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: James Finnigan, Rick Dean, Brian Bangert, Mary Beth Taylor, alternate member Ruth Novosad and alternate member Ryan Scritchlow. Members Drake Zimmerman, Michael Kuritz and Julia Turner were absent. Also present were Darrell Mitchell, Zoning Enforcement Officer, and Trevor Sierra, Assistant State's Attorney.
3. APPROVAL OF MINUTES: Motion was made by Novosad/Scritchlow to approve the minutes from the December 3, 2019 Zoning Board of Appeals meeting.
The roll call vote was six members for the motion to approve, none opposed and Members Drake Zimmerman, Michael Kuritz and Julia Turner were 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-19-06, application of Bryan Grimes in case ZV-19-06 on parcel 30-01-100-017. He is requesting a variance in maximum square feet of accessory buildings to allow 4,824 square feet rather than 4,200 as allowed in the A-Agriculture District on property in Empire Township at 28919 E 800 North Rd., Ellsworth, 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 are met.

Brian Grimes, 28919 E 800 North Rd., Ellsworth, IL and Jean Andrew, 28919 E 800 North Rd., Ellsworth, IL appeared to give testimony and were sworn. Mr. Grimes indicated that he had nothing to add to what was presented.

The board reviewed and discussed the seven standards and found them met

Motion was made by Scritchlow/Taylor to approve case ZV-19-06.

The roll call vote was six members for the motion to approve, none opposed and Members Zimmerman, Kuritz and Turner were absent.

Case ZA-19-08, application of the McLean County Zoning Board of Appeals in case ZA-19-08. This is a text amendment of the Zoning Ordinance of the Code of McLean County Chapter 350, Zoning: 1) To amend Article III Section 350-26, Definitions, to add definitions of Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Dispensary, Cannabis Infuser, Cannabis Processor and Cannabis Transporter; 2) To amend Article VI Section 350-42, Use Table, to allow the above Cannabis businesses by special use in several zoning districts; and 3) To amend Article VI Section 350-43, Use Standards, to add use standards for cannabis businesses.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated that the proposed text amendment incorporates definitions of the different cannabis businesses; it amends the use table to allow approval by special use the different cannabis businesses in specific zoning districts; and it adds use standards for cannabis businesses. The special use process will allow the County to attach stipulations to each cannabis business. The use standards will require setbacks that should minimize negative impact to existing land uses. He indicated that the text amendment would promote the public health, safety, comfort, morals and general welfare of the County.

Catherine Metsker, 20645 N 825 East Rd., Carlock, IL appeared to give testimony and was sworn. Ms. Metsker indicated that a 1,000-foot separation is not enough from a residence and the distance should be 1,500 feet from a residence and the other listed uses. She indicated that she visited the cultivation center near Delavan at night and found the lighting very bright.

Laurie Wollrab, 116 Eastview Dr., Normal, IL appeared to give testimony and was sworn. Ms. Wollrab indicated that she also visited the cultivation center near Delavan at night. She said that she is concerned that if the setback restrictions are increased, businesses would not be able to locate in the County. She indicated that lighting could be restricted at these cannabis facilities so they would not impact neighboring properties.

The board reviewed and discussed the case. They found that lighting from cannabis craft grower facilities and cannabis cultivation center facilities should be restricted from passing through the side walls and roofs at night. They also found that parking lot lighting should be directed on site with spillover limited from entering neighboring properties. They also wanted to add daycare centers to the facilities requiring setbacks.

Motion was made by Dean/Taylor to recommend approval of case ZA-19-08 with the following additions to the use standards: lighting from cannabis craft grower facilities and cannabis cultivation center facilities should be restricted from passing through the side walls and roofs at night; that parking lot lighting should be directed on site with spillover limited from entering neighboring properties; and daycare centers should be added to the facilities requiring setbacks.

Member Scritchlow made a substitute motion to delete the cannabis craft grower facilities and cannabis cultivation center facilities for use in the Agriculture District and to lower the setback for cannabis cultivation center facilities to 500 feet. The motion died for lack of a second.

The roll call vote for the main motion was five members for the motion to recommend approval, Member Scritchlow was opposed and Members Zimmerman, Kuritz and Turner were absent.

Case ZA-19-07, application of Erik Pokarney in case ZA-19-07 on parcel 08-05-300-008. He is requesting a map amendment to change the zoning classification from A-Agriculture District to M-1 Restricted Manufacturing District on property in Money Creek Township at 25182 N 1925 East Rd., Lexington, IL.

Secretary Dick called the case, provided exhibits to the board and submitted a staff report for review. He indicated that not all of the seven standards for a map amendment are met.

Erik Pokarney, 24441 Anderson Dr., Hudson, IL appeared to give testimony and was sworn. Mr. Pokarney indicated that he operates Lake Bloomington Marine which he wants to establish on the subject property. He indicated that he currently leases several buildings in the area and that he would not have to do that if he could use the subject property for this use. He said that he spoke to all the neighbors of the property; and they support his rezoning request. Mr. Pokarney distributed and presented a document to the ZBA supporting his request.

Terry Brown, 604 S. Blair Dr., Normal, IL appeared to give testimony and was sworn. He indicated that Mr. Pokarney is honest, is needed in the Lake Bloomington area, and that we need to help him with this application.

Mark Oostman, 25017 Wood Thrush Circle, Hudson, IL appeared to give testimony and was sworn. Mr. Oostman indicated that he lives at Lake Bloomington and is a customer of Mr. Pokarney. He indicated that his son worked for Eric and that he supports Mr. Pokarney's request.

Chuck Mardis, 118 S. Orr Dr., Normal, IL appeared to give testimony and was sworn. Mr. Mardis indicated that he has been around the lake all his life. He indicated that he is a customer of Eric and that he needs Erik's services.

Ryan Esposito, 17302 Walden Rd., Hudson, IL appeared to give testimony and was sworn. Mr. Esposito indicated that he is a customer of Mr. Pokarney and that he needs a place to store his boat which he would be able to do if this application is approved.

Chris Carter, 3306 Clairbridge Dr., Bloomington, IL appeared to give testimony and was sworn. Mr. Carter indicated that he has a boat and has been helped significantly by Erik.

The board reviewed and discussed the seven standards and found standards 1 and 7 were not met.

Motion was made by Scritchlow/Novosad to recommend denial of case ZA-19-07.

The roll call vote was five members for the motion to recommend denial, Member Dean was opposed and Members Zimmerman, Kuritz and Turner were absent.

6. ADJOURNMENT:

The Chair declared the meeting adjourned at 9:30 PM.