

**Sangamon County, Illinois**  
**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals met on **June 18, 2020** at 7:00 P.M. via GoTo Meetings.

**ATTENDANCE**      (X) denotes present

(X) Chairman Chimento	(X) Committee Member Mares
(X) Committee Member Wulf	() Committee Member Sudeth
(X) Committee Member Spiro	(X) Committee Member Beaty

**STAFF PRESENT:**

Emily Prather, Associate Planner, Spfld-Sang County Regional Planning Commission  
Joel Benoit, Assistant States Attorney, States Attorney's Office  
Trustin Harrison, Zoning Administrator, Sangamon County Zoning

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Chairman Chimento called the meeting to order.  
Approval of **May 21, 2020** Minutes

**Committee Member Don Wulf made a motion to approve the May 21, 2020 minutes.**

**Committee Member Tony Mares seconds the motion.**  
**Motion carries 5/0/0**

Trustin Harrison: Mr. Chairman please ask for a motion for that and put it on for a vote to have 2020-016 first tonight.

ZBA Chimento: I like to entertain a motion.

**Committee Member Don Wulf made a motion to have 2020-016 up first to vote on.**

**Committee Member Tony Mares seconds the motion.**  
**Motion carries 5/0/0**

**Docket 2020-016      Nicholas S. & Leah A. Bestudik for property located at 8963 Mechanicsburg Road, Dawson, IL 62520**

PETITIONER(S): Nicholas S. & Leah A. Bestudik

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

Leah Bestudik was sworn in.

ZBA Chimento: Emily would you read the staff recommendation.

Emily Prather: Petitioners request for Proposed Parcels 1 & 2: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot Depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width. The planning commission staff has recommended approval. The LESA score of 128 indicates the property is acceptable for non-agricultural development. There is a trend toward rural residences in the area. Splitting the subject property into two single-family residential lots is consistent with the trend of development in the area. Negative impacts are not anticipated. The Standards for Variation are met.

ZBA Chimento: This is your right to talk now, if you want to give any testimony.

Leah Bestudik: I just appreciate your guys’ consideration for the motion and support and I am happy to move our family there into a new residence and keep the current residence for the rest of our family, also. We plan to keep this a family lot, for many years to come.

ZBA Chimento: Ok. Any objectors? Members have any questions? Hearing none entertained a motion.

Harrison: Don, we are looking for a motion.

**Committee Member Don Wulf made a motion to recommend approval of staff recommendation.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

**Docket 2020-017     Mark Wankel for property located at 6517 State Route 123, Pleasant Plains, IL 62677**

PETITIONER(S): Mark Wankel

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

ZBA Chimento: Who are you?

Joe Tate: This is Joe Tate, I am representing Mark this evening.

Harrison: Excuse me sir, can you please state your name.

Tate: Joe Tate.

Harrison: You are the surveyor correct?

Tate: Yes sir. First, I would like to thank everyone’s help for assisting me with meeting the Sangamon County zoning requirements for this County project.

ZBA Chimento: We are little out of order. We need to have Emily read the staff recommendation.

Emily Prather: Petitioner requests for Proposed Parcel 1: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot Depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 10 acres); and, a variance of Section 17.38.030 to allow the road frontage to be approximately one hundred eighteen (118) feet instead of the required one hundred fifty (150) feet in the "A" Agricultural District. The planning commission has recommended approval. The purpose of the request is to divide approximately ten (10) acres of land with the single-family residence to help settle an estate. No change in land use is contemplated. The Standards for Variation are met.

ZBA Chimento: You can state your testimony now.

Tate: Ok. I would like to thank Trustin and Jessica for their help and assisting me with dividing this property from a larger parcel. The main reason that this parcel was divided this way is the configuration of the existing residence on the property and the existing access drive off of Route 123. And attempting to take from the farm ground as little acreage as possible.

ZBA Chimento: Ok, are there any objectors? County Board members have anything to say? Hearing none entertain a motion.

**Committee Member Don Wulf made a motion to recommend approval of staff recommendation.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

ZBA Chimento: Calls up the next on the agenda 2020-012 Cyclone Labs, LLC for property located at 3100-3500 Block of Cockrell Lane.

**Docket 2020-013 Lincoln Labs, LLC for property located at 5859 W. State Route 97, Pleasant Plains, IL 62677**

Harrison: Mr. Chairman, the representation of both of these are the same. I did receive an email tonight from Lincoln Labs that it would be tabled tonight, for next month. So if anybody would like to carry on that motion to table that I believe Mr. Pavlik is here to verify that request. And that way we can get some of the callers off and help with some of the audio.

Attorney Tom Pavlik: Mr. Chairman, this is the attorney for Cyclone and Lincoln; and that is correct. I would ask for a motion to table 2020-013, thank you.

ZBA Chimento: I need a motion.

**Committee Member Don Wulf made a motion to recommend the case is tabled til next month ZBA meeting.**

**Committee Member Tony Mares seconded the motion.**

**Motion carries 5/0/0**

Harrison: Mr. Chairman you can now proceed with 2020-012.

ZBA Chimento: Ok.

ZBA Don Wulf: Mr. Chairman, I would like to recuse myself from this, for personal reasons.

ZBA Chimento: Ok. Is JD here tonight? I forgot to ask.

Harrison: No, JD is not here tonight; so this will be based on the four members.

ZBA Chimento: Alright.

ZBA Mares: Mr. Harrison, with the four members that we have... do we still have a quorum?

Harrison: Yes, we do.

ZBA Mares: Thank you.

**Docket 2020-012 Cyclone Labs, LLC for property located at 3100-3500 Block of Cockrell Lane, Springfield, IL 62711**

PETITIONER(S): Cyclone Labs, LLC

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

Emily Prather: The petitioner requests pursuant to Chapter 17.58 and Section 17.10.020 a Conditional Permitted Use for an adult-use cannabis craft grower. The planning commission staff has recommended approval of the Conditional Permitted Use for an adult-use cannabis craft grower. The subject property is separated from other surrounding commercial properties to the north, west, and south by railroad tracks and Cockrell Lane to the east. No negative impacts are anticipated as the petition indicates the business will meet applicable state statutes and the Zoning Ordinance regulations.

Harrison: Ok, Mr. Chairman.

ZBA Chimento: Ok, Tom you want to state your testimony.

Attorney Pavlik: Thank you Mr. Chairman and members of the Board. My name is Thomas Pavlik and I am the attorney for Cyclone Labs and have with me representative of the contract purchaser, Chris Stone, who will be working with the petitioner on this project. I like to thank the staff and obviously I agree and concur with them that all of the required elements of the conditional permitted use have been met. I just like to briefly state should anyone be listening in, I think that all the board members understand but this is not a traditional farming operation. This is not going to be farming like you do in a field with soybean or corn. This is a non-traditional agricultural process of where it will be enclosed by a building, everything will be done hydroponically. I know we have received some questions about air discharge. Any air discharge out of the building will go through a carbon-scrubber and then through a ultraviolet scrubber; under the State statute should this project go forward they would not be allowed to have odors coming out and if they did have odors coming out; they would be shut down by the State. In terms of water discharge,

the only water discharge would be that normal water discharge through faucets and toilet systems; because again this is a hydroponic type facility; it is a closed looped system, where no water is discharged. In fact, after every cycle of plants, the system is internally cleaned. So there would be no affluent coming out, no concerns for groundwater, no concerns for odors. It will be surrounded by a fence. We expect about thirty full-time jobs, full paying jobs. It will be approximately a \$5 million dollar building and go into tax rolls and that would be a benefit to the County, for all those reasons I would ask that you accept staff's recommendation. I'm happy to answer any questions, as is Mr. Stone. Thank you, Mr. Chairman.

ZBA Chimento: Any objectors?

Harrison: Mr. Chairman, I did not have any objectors sign-up. So if there are any objector please speak.

ZBA Mares: We have dealt with zoning issues in the past with regards to solar farms and the rest, so if you could please elaborate on... just because a zoning issue is brought before us does not mean that this will end up being a final project. Is that correct?

Harrison: Tony, that's correct. I would probably rather allow either Mr. Stone or Pavlik answer that, because they are more aware of how the State is issuing these permits; more so than I am. I feel that's true but I rather they answer it because I am sure they have more information.

ZBA Mares: We have had situations where we have come before us, is this the same status?

Attorney Pavlik. Yes, sir. There is a possibility where my client does not get its license, from the State. It is applied to the State for a craft-cannabis cultivation license, but I would need a crystal ball to know, if they are actually going to receive that. The applications I believe that are currently being scored by the State and I believe decisions will be made hopefully by the end of July or in August. And again I know from personal experience that there are many, many, many more applications for these licenses, than there are allowable locations.

ZBA Mares: Thank you, Mr. Pavlik I appreciate that, but I just want to clarify that just because there is a zoning issue and it might be zoned that way because of the regulations we have in place; does not necessarily guarantee that you will be able to consummate this deal. And I think just like when we had issues with regards to solar farms and the wind farms; I think that this is more of a preliminary situation to be able to allow this, if the State grants the permit. Is that correct?

Attorney Pavlik: I believe that is correct.

ZBA Mares: Thank you, Mr. Pavlik and Mr. Harrison.

CB Cathy Scaife: Chairman?

ZBA Chimento: Yes.

CB Scaife: This is Cathy Scaife. And I just want to say this is in my district and I just wanted to state, for the record... I did talk to Mr. Stone earlier this evening, but I have not had anyone call my district for any complaints. So this appears to be a good location. Just thought you like to hear that.

ZBA Chimento: Yes, thank you.

CB Scaife: I know it, I am blessed. Thank you.

ZBA Chimento: Objectors? Or County Board have any questions?

ZBA Beaty: Yes, I do. I like to ask Mr. Stone if he owns anymore cultivation centers anywhere.

Christ Stone: Yes, I am part owner in the Barry cultivation facility, in Barry, IL. It is a 75,000 square foot cultivation center that was acquired in December 2018.

ZBA Chimento: Any other questions from anyone?

CB Linda Fulgenzi: You do not own this property at this time, is that correct?

Attorney Pavlik: Yes, that's correct. Cyclone Labs is the contract purchaser of adult-craft cannabis cultivation.

CB Fulgenzi: Ok, so this permit is it part of the lottery? Or are there numbers of them going to be handed out, the permits for this craft growing?

Attorney Pavlik: I am going to let Mr. Stone address that.

Stone: Is this a lottery?

Attorney Pavlik: It's just as easy for me to address it. So all of these applications are submitted to the State and are graded and then they are awarded based on the region; no I am sorry they are awarded in the order they have been graded. So just like high school if you get a 100, you get the A, and if you did a bad job with your application, you probably aren't going to get a license.

CB Fulgenzi: How many licenses are available?

Attorney Pavlik: 40 licenses.

CB Fulgenzi: Oh, 40? Ok. And how large is this particular region that we are in?

Attorney Pavlik: Mr. Stone is telling me unlike some of the prior iterations of the cannabis rollout there are no regions there are 40 licenses awarded throughout the entire State.

CB Fulgenzi: Ok. And Mr. Stone already has one of those forty licenses, in Barry, IL.

Attorney Pavlik: No mam, so previously when the cannabis act came through they allowed larger cultivation centers and then goes back 2-3 years and so Chris is a member in a LLC that owns recreational and medical cannabis cultivation center in Barry, IL. So, it's a completely different "animal" than the craft-grow, that we are talking about. The craft-grow is limited to 14,000 square feet of grow space.

CB Fulgenzi: Ok, I remember when Chris came to the Board before and explained all of this, but it's a bit confusing when we have these other types of growing situations and in reading the application, there are all kinds of things.

Attorney Pavlik: It is fairly technical and I have to commend staff and they were wonderful to work with in terms of putting together this application. We were all forging new ground.

CB Fulgenzi: Yes, I understand. Where would this craft-growing cannabis be? Supposing we get the license; so this craft-grow would go where?

Attorney Pavlik: I believe it would go on the Eastern most; this piece of property is like a pie... narrowest to the west and widest to the east, and I believe the facility would be around 23,000-24,000 square foot of space would be located on the eastern most part of the property.

CB Fulgenzi: Ok, I think it would be good fit there. So after you're done with it and you have grown it, cultivated it and dried it and done whatever it is you have to do to it, where does it go then?

Attorney Pavlik: Remember all of this stuff has to be highly secure; so once a week imagine a van, maybe a little bit smaller like a Brinks truck would roll up and take the product and take it to the dispensaries.

CB Fulgenzi: So it will go to the recreational/medical dispensaries?

Stone: it can only currently go to recreational dispensaries.

CB Fulgenzi: Oh, ok. Alright, since I am not lining up at the recreational facilities, I don't know where it's coming from. Thank you, that helps.

Attorney Pavlik: Thank you, mam.

ZBA Mares: Somehow I mean even if this is permitted and this does not go away, are you still going to continue with the contract?

Attorney Pavlik: So, you are asking if Cyclone doesn't get zoning or doesn't get a license from the State, you mean will it proceed with the contract?

ZBA Mares: I mean if you get the zoning and you don't get the contract, or the permission from the State, then what will happen?

Attorney Pavlik: I would imagine for Cyclone it would make it economically unworkable to buy this property without having the business on it; it is possible that one or two members of the group may have a personal interest in the property but that's speculative on my part. I have been out there it's a gorgeous piece of property.

ZBA Mares: Understand. Attorney Pavlik and Mr. Stone, thank you.

Attorney Pavlik: Your welcome sir.

ZBA Chimento: Anyone else have any questions?

CB Scaife: Attorney Pavlik or Chris would you go through a business plan, as far as employees and hours?

Attorney Pavlik: I am going to ask Mr. Stone to answer that question.

Stone: This facility would have approximately 26-30 full time staff. The average staff person would make approximately \$51,000/year, there would be benefits and both health as well as 401k and retirement benefits that would be included in a package. The hours of operation for employment would be 7am to 4pm; and the management staff, which would total 6, could be working anywhere from 6am to 6pm or maybe later depending on what's going on, in the facility. Did that answer your question or did you want me to expand further?

CB Scaife: Nope, that's all I needed. Thank you, I just wanted it for the record. Thank you.

ZBA Chimento: anyone else? Hearing none entertained a motion.

Harrison: You will need a second, Chairman.

**Committee Member Tony Mares made a motion to recommend approval of staff recommendation.**

**Committee Member Andrew Spiro seconded the motion.**

**Motion carries 3/1/0**

**Motion to Adjourn:**

**Committee Member Tony Mares made a motion to adjourn.**

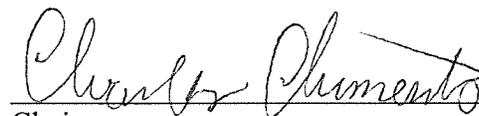
**Committee Member Don Wulf seconded the motion.**

**Motion Carries 5/0/0**

Meeting adjourned.

Respectfully submitted,

  
Recording Secretary

  
Chairman

Minutes of June 18, 2020

Full record of minutes available upon request in the Zoning Department