Sangamon County, Illinois
ZONING BOARD OF APPEALS

The Zoning Board of Appeals met on **August 20, 2020** at 7:00 P.M. at the Bank of Springfield Center, 1 Convention Center Plaza, Springfield, Illinois.

ATTENDANCE **(X) denotes present**

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

STAFF PRESENT:
Molly Berns, Executive Director, Spfld-Sang County Regional Planning Commission
Steve Keenan, Senior Planner, Spfld-Sang County Regional Planning Commission
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

---

Chairman Chimento called the meeting to order.
Approval of **June 18, 2020** Minutes

Committee Member Tony Mares made a motion to approve the June minutes.

Committee Member Andrew Spiro seconds the motion.

Motion carries 4/0/0

ZBA Chimento: We are going to change the agenda tonight, Lincoln Labs will be the last case. The first case we will here tonight is Travis Heck.

Docket 2020-019 Travis Heck for property located at 1450 Buffalo-Mechanicsburg Road, Dawson, IL 62520

PETITIONER(S): Travis Heck

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: Ag

Travis Heck was sworn in.

Emily Prather: The petitioner requests for Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, 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 recommend denial of the requested variance. The petitioner did not provide a reason why the subject property could not be used economically

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; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 20 acres). The planning commission has recommend approval. The subject property is in a partnership and the petitioners wish to dissolve their partnership by dividing the single-family residence from the cropland, which will improve the reasonable rate of return on the subject property. Negative impacts are not anticipated from the variances and no change in land use is contemplated. The Standards for Variation are met.

ZBA Chimento: Ok. You guys have anything to say?

Norville: We agree with the staff recommendation.

ZBA Chimento: I bet you would. County board any questions? Objectors? Hearing none entertained a motion.

Committee Member Andrew Spiro made a motion to recommend approval of staff recommendation.

Committee Member JD Sudeth seconded the motion.
Motion carries 4/0/0

Docket 2020-021 Paul Norgaard & Stephen Norgaard for property located at 8889 Cardinal Hill Road, Rochester, IL 62563

PETITIONER(S): Paul Norgaard & Stephen Norgaard

OBJECTOR(S): No

PRESENT ZONING CLASSIFICATION: B-1

Cathy Norgaard was sworn in.
Paul Norgaard was sworn in.

Emily Prather: The petitioners request pursuant to Chapters 17.68 and 17.12, a rezoning from "B-1" General Business District to "R-1" Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the existing residence on a parcel less than one (1) acre (approximately 0.5 acres) where public sewer is not available; and, a variance of Section 17.38.010 to allow the side yard setback for the existing residence to be approximately five (5) feet instead of the required ten (10) feet. The planning commission staff has recommend approval. The subject property contains a single-family residence, which is better suited in the proposed R-1 District. The bank is requiring the subject property to be rezoned residential in order to refinance the residence, and without granting the requested variances the subject property would not be able to yield a reasonable return. The Standards for Variation are met.

ZBA Chimento: Ok. Any questions? County board? Objectors? Hearing none entertained a motion.

Committee Member JD Sudeth made a motion to recommend approval of staff recommendation.

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

PETITIONER(S): Lincoln Labs, LLC

OBJECTOR(S): Yes

PRESENT ZONING CLASSIFICATION: Ag

Chris Stone was sworn in.

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 has recommend approval of the Conditional Permitted Use for an adult-use cannabis craft grower limited to the 7.313 acre parcel as legally described in document number 202003006 recorded on February 13, 2020. At the time the petition was filed, the subject property legally contained 73.25 acres. However, the property was divided since that time and the petitioner clarified that the intent was to limit the proposed use to the smaller parcel. The subject property is in a rural agricultural area surrounded by cropland. No negative impacts are anticipated as the petition indicates the business will meet applicable state statutes and the Zoning Ordinance regulations.

Trustin Harrison: Mr. Chairman, just a quick point of order please as anyone speaks, please stand or raise or hand to give our audio an opportunity to turn the mics on. That way we can get the recorded audio. Thank you.

Attorney Pavlik: Thank you Mr. Chairman, I apologize for not standing I twerked my knee earlier this week and it's just a little bit easier that I remain seated, so thank you. My name is Thomas Pavlik and I represent your petitioner, Lincoln Labs LLC. I have with me the representative of the petitioner, Mr. Chris Stone. Let me start with this despite the considerable interest this petition has generated; your decision this evening should be a simple one. If you recall a few months ago I was before for a similar petition, Cyclone Labs LLC…the petition that you approved and that the County Board also approved; as with Cyclone Labs; Lincoln Labs as met all of the County's requirements and has merited staff's approval. There are no material differences between the Lincoln Labs application and that of Cyclone and for that reason alone; I think the petition should be granted this evening; with that being said I know we have a lot of objections and objectors and I would like to quickly address some of those objections. In general, I would characterize most of the objections that I am aware of this evening, as sounding almost like a referendum on cannabis. I mean that ship sailed and it sailed some time ago when the County Board approved a zoning structure that allowed for cannabis zoning, in the city. I think it is somewhat of a referendum on cannabis with the petitions and objectors; there are people from the lake, Leland Grove, Chatham, Riverton and quite a few of them are not local from the Pleasant Plains area, or the area adjacent to the property that we are talking about. Next, the biggest objections appears to be smell. You may not know this but once you approved Cyclone Labs we were before the County Board and member Stumpf stood up and addressed the County Board; and he did something that I wish I had the foresight to do and he actually drove to Barry, IL where there is a cultivation center much larger in scope than the anticipated cultivation center that will be built by Lincoln Labs, if it gets the application granted. Member Stumpf talked to all the neighbors around the facility and to a man and woman who said they had no problems and didn't smell anything, no complaints. Member Stumpf walked the perimeter of that facility and said

existing traffic count at the property. there aren't going to be semis coming in there a day....at most there might be 1-2 semis; I think that's overblown and the concern about backed up traffic on I-97 is just going to be born out. You have heard me say this last time about Cyclone Labs, we zone properties, and not the person...and I think most of the objectors here are trying to zone the person, not the property. Zoning the person is the operations of this facility, and that's the purview of the State of Illinois with its highly regulated statue of how these places are supposed to operate but enough about the negatives and addressing the negatives, let's talk about what this facility will do for the County. It is going to provide 30-35 well-paying jobs with good benefits, and going to put approximately a $5 million facility on the property tax rolls. In any environment, let alone today's environment I would say that's a good thing to have a business that wants to setup shop here. In response I like to highlight, this is no different than Cyclone Labs, staff found that all standards were met and that it was recommended approval and the County ordinance states that when these standards are met a conditional permitted use shall issue, for all of these reasons I ask that you vote for approval and answer any questions, if you have them. Thank you, Mr. Chairman.

ZBA Chimento: Ok. I have to ask a question. County board have any questions? I know we have lots of objectors.

Harrison: Mr. Chairman, Attorney Sheehan has submitted a list for speakers tonight, do you want him to go through that?

Attorney Sheehan: Yes, if that would please the board, thank you. Mr. Mendenhall.

CB Mendenhall: To refer to a couple statements you made Mr. Pavlik...one of my colleagues did stand up during the County Board meeting and said he had been over there and there was no smell; I have been there twice. The first time there was no smell but the last time you could smell it 3-3.5 miles away; the wind wasn't blowing the first time but it was the second time. So that says a lot about the weather. As a developer and a business owner... I am referring to myself. I have developed numerous properties and I followed the regulations on all of those properties; and when you get done you take a look around and you say, is this going to have a negative effect or could it have a negative effect on properties? I have developed a seed processing facility, I met all of the regulations. I have developed a cattle feed lot and followed all of the regulations, a trucking terminal and a crude oil tank farm facility; but when you get done you take a look around and you go ok, I have met the 1500' setback but could it have a negative effect on the property, now or in the future your business hopefully grows. Common sense needs to play in effect as the owner and the developer, is it going to have a negative effect? Could it have a negative effect? And just because I met all the regulations, does it mean it's the ideal location? And I can take you to 50 other locations in Sangamon County that meet all of the requirements and wouldn't have any potential impact on the neighbors. Thank you.

Attorney Sheehan: I am here on behalf of Mr. and Mrs. Tyler Cormeny tonight, they are my clients. I believe they have a common interest with all of the objectors here tonight. We are here tonight to evaluate whether a conditional permitted use should be granted. We need to look to our zoning code to determine what the purpose of the CPU is....to quote directly from our code "the purpose is to provide for the location of special classes of uses which are desirable for the public welfare within them" notably we are here tonight because the code requires a public hearing, so I ask myself why would a public hearing be required. I think the answer to that is pretty obvious, so that the public can weigh in on whether a special class is desirable for the public's welfare. The public is the best judge of that. Now I'm not going to necessarily lecture you, although you probably feel like that but I think it's important to keep the standards of CPUs

R-1. What they are recommending here are conditional permitted uses, any time somebody wants to come in and put a cannabis business establishment in; they are going to have to come before the board and none of this is permitted as a right and they can take a look at if a house is too close to a business establishment. Doesn't this case that is before you tonight, fit the hypothetical that was debated when this legislation was passed? Again the main reason we are here tonight is trying to determine if this development is too close to a residence? I think the unequivocal answer to that is, yes it is. Now procedurally I know a staff recommendation is required, the staff recommendation does consider any of the testimony you are hearing tonight. They don't have the ability to go out and interview neighbors, objectors directly…that's not part of their recommendation, they can't do that. That's what you are here tonight to do, to hear all this testimony and weight it against the standards. And again I think it's important to look at that staff recommendation directly, it's rather conclusory…there are really no facts to support determine that it fits the standards…they just say it does. Now, Mr. Pavlik also argues that this Cyclone Labs case is a precedence that makes your job easy; I hate to break this to you but it really doesn't. That case is completely different. They make the argument that this is easy and you should just base your findings on that case, I think and I argue that little value should be given to that case and here is why. Again CPU request, like the one before you tonight and the standards you are required to weigh…its super fact intensive and again this request and the requests related to this cannabis zoning, its literally unprecedented but the location of this development is the biggest question that you have to weight, again I think we can easily distinguish that Cyclone Labs case. For instance, that property that is over off Cockrell Lane, it is literally surrounded by all industrial zoning either in the City of Springfield or B-2 zoning in the City of Springfield, there is a little bit of ag surrounding it, there is a residence a little bit ways down the road, but the difference is there is I-72 that acts as a pretty significant buffer. Also I think it's important to consider there is no opposition to that and you wonder why it's probably because it's in an industrial area and no testimony was presented from people who were not ok with the project, so applying the CPU standards in light of the fact that there is a favorable staff recommendation, no opposition testimony that makes your job very easy. You are going to here from plenty of other people tonight who are directly impacted by this and tell you why this doesn't fit in their neighborhood I think it's fair to say that case, Cyclone Labs is not binding on you and I have given you plenty of ammunition to find that its factually legally distinguishable. So in closing, I just want to say even if this request does meet the standards legal standards, we are argue that it does not. You still have to use some common sense and think about what truly is intended by these zoning regulations. I think the answer to that is clear, we don't want one of these facilities going within 1500' of somebody's house; that's precisely what they are proposing to do. The other issue is that an operation unlike the one the petitioner is proposing has never been permitted here, never been built here, design plans have never gone through the proper channels and never been evaluated, those things have to be considered when considering the staff's recommendation. And I'm not trying to discredit the staff at all, they do a great job but they have never done one of these before. This is full of many unknowns; again that's why it's important for you to consider what they objectors are saying. They are the ones most impacted by this and they are the ones you should be consulting with on whether and impacts their neighborhood. And again one last thing don't forget about the purpose of a hearing on a conditional permitted use it to provide for the location of special classes of uses which are desirable for the public welfare within them"…listen to the public, the public is the best source of determining if this request and proposed use is desirable for their welfare, if it's not clear now, it probably will be in about an hour; the public has strong opposition to this, thank you.

ZBA Chimento: Any questions for this gentleman? Hearing none, next objector called.

Sarah Bauchman was sworn in. 6252 Farmington Cemetery Road.

Bedell: I live in Chatham, I work in Springfield.

Harrison: We are asking for the home address.

Bedell: Ok, 64 Cotton Wood, Chatham.

ZBA Chimento: Thank you.

Bedell: I want to thank the staff and the board for taking the time to listen to the concerns of the Pleasant Plains residents and changing the meeting site, to a large enough space to accommodate all of those to oppose the conditional permitted use for Lincoln Labs proposed marijuana grow. Lincoln Labs is requesting your approval to setup a large scale drug operation not only to grow marijuana but also to process, make marijuana infused products, such as gummy bears, brownies or candy bars....make marijuana concentrates, like marijuana vape cartridges; which have contributed to lung problems and deaths, even illegal facilities. And wax or dabs which have high levels of THC levels ranging from 50-90%; propublica reported explosions in legal regulated facilities in other states, where marijuana concentrates and extractions were produced. While the attorney said they will be regulated by the State, a lot of times these places are only inspected once a year, so even though they are there, there are still problems; Lincoln Labs can also transport marijuana to other marijuana businesses; according to law if the dispensary is within 15 miles of a craft-grow site. Many lives and families will be negatively impacted and we ask that you deny the CPU for this site, thank you.

Attorney Sheehan: Ms. Lynn Allen:

Lynn Allen was sworn in. 6959 Farmington Cemetery Road.

L. Allen: I thank you for allowing me to speak with you on a zoning issue that is so important to me, my family and my community. We are very concerned about human health effects from the proposed indoor marijuana craft-grow in our community. In a 2 mile radius, from this proposed site there are many homes with small children, as well as two schools which serve Pre-K through 8 grade; in addition there are many older residents with failing health and weakened immune systems that live close to this site. While there are no current long-term studies for either childhood or adulthood exposures, we do have ample anecdotal evidence that people with certain pre-existing conditions, such as COPD, emphysema, and chronic migraines have reported worsening symptoms when they are exposed to emissions, from indoor grows. The legal commercialized cannabis industry is new to IL and it will take many years to collect data from the impact of the emissions, from these types of facilities, on human health. The absence of this human health data is a huge problem for me and my husband, as parents of 5 children; the youngest whom being 2yrs old. We live within a mile of this facility. We know from past experiences that many times, industries create unknown environmental exposures, which only decades later are proven to cause poor health outcomes and the people that live close. My mother lives next door to me and she is very ill. She daily struggles with health concerns that make life hard, should she now in this frail part of life have to deal with the unknowns of her outdoor environment? And we are not the only family effected, so many families with preschool aged children live just off Lincoln Trail Road, and many of them feel so strongly tonight, even though they aren't registered to speak; they are here because they care about their children and grandchildren and they want to feel safe in their homes and enjoy their outdoor environments. They love living in Pleasant Plains and the Farmingdale area, for the same reason I do. Our community is intensely important to us and irreplaceable. Stone Seed, when it was operational was part of our community and

Stark: Ok, so you may recognize some of those names of people that volunteer or bring their family out there. That's where those came from, just so we are clear on that. You may also noticed some of the names are the Pleasant Plains principal and superintendent and a lot of the board members also signed the petition. I don't want it in my back yard, front yard or behind me the marijuana growth/recreational. I just wanted to repeat what Anita said and Mr. Stone had said, that the marijuana THC level is not going to be 90%, it's going to be 98%, so that's over what even Anita has found. We don't know the re-precautions. Thank you.

Attorney Sheehan: Judy Semradek.

Judy Semradek was sworn in. 7159 Farmington Cemetery Road.

Semradek: I really just have a question. My question is do any of you on the board have a facility such as this within a mile or mile and a half of you? I sort of assumed not. I am here to tell you we are just about a mile away; and I am not happy that this is going to change the quality of life in our community. I am concerned about the children and the property values...Jim and I just love this area and I am asking you to oppose it; and I incidentally one quick comment that was approved recently the Cyclone...no one knew about that, that's why there was no opposition. People are very unhappy that reside out in that area, we have friends that know friends out there...I think that's important to consider and I think that this is a totally different situation. You have people that love the area for the wholesomeness, you have a school. I don't think these school systems are 2 miles away from this facility. I am an old teacher and I can't imagine any teachers, parents or grandparents would want their children exposed to this. I certainly wouldn't want my children exposed to this. We are opposed.

Attorney Sheehan: Mr. Harrison I don't believe there is anyone else that wants to speak, that's all I know of, for now.

Harrison: Mr. Chairman, I do have two people that signed up so I want to get them taken care of first and then we will get to you guys. Mr. John Myers.

John Myers was sworn in. 530 Overton Road.

Myers: I am on the board of directors for Sangamon Astronomical Society. I have with me Ray Watt, the president and Mr. Martin the professor at UIS. I had a conversation with Mr. Pavlik out in hall and he has agreed to the conditions that we have asked. Let me back up and explain who we are and why we are concerned. We have an observatory out in back of Clayville, we get high on the stars, not on marijuana. We also have a professional observatory that's even closer to Springfield and over the years we have seen the Springfield light bulb get closer and closer, this lady behind me said how she loves the stars at night; the stars at night are one of the unknown, unappreciated resources of Sangamon County...the skies out at Jim Edgar park are about the darkest skies in Illinois, at night. Our concern is light pollution, there is an organization called the International Dark Sky Association...you guys with the model ordinance and light pollution. We are here to talk about how the light bubble is getting destroyed. Mr. Pavlik has agreed to the 3 of 4 things to be included as conditions of the CPU. One condition is there will be no grow or other interior light emitting artificial light to the exterior. The second condition also require exterior lighting to be shielded with exterior vegetation similar to that required of solar farms. Lastly, the CPU limit exterior security lighting to full cut-off fixtures of the sort mentioned in Section 17.51.018 of the zoning ordinance, further limited to the lights and fixtures having the International Dark Sky Alliance seal of approval. The

prison, trust me it will be. Now Mr. Stone said at the town meeting we are going to have security people, you said specifically off-duty police or retired police. I ask are they going to be armed. He said yes they are going to be armed. The title for that position is security agent. Here are the requirements: must be able to pass a background check…well it's not much of a check when you hear the other requirements. Must be 21 years or older, must be able to handle labor work, must be able to sit, stand, crouch, reach and lift for long periods of time, must be able to life and carry individually up to 50 pounds. Here is the real good one, must be able to get fork lift certified. What in the heck does that have to do with security? I ask you folks, would you want this facility near your home? Parents home? Grandparents home? Children or grandkids homes? Give that consideration before you take your vote, thank you.

Harrison: Mr. Chairman that is all I have that signed up. I don't know if there is anyone else that would like to speak.

Rick Allen was sworn in. 6959 Farmington Cemetery Road.

R. Allen: There are some things I like to talk about, that hasn't been talked about. I was at the meeting last month too and Chris Stone was not able to answer some of the technical questions that we had. We got blown off. He said it's not going to be a problem, we will take care of it. Y'know when it comes to building a facility you come up with numbers and that's how you know if you're going to be able to afford that facility. I would know what I was going to put in that facility including EPA regulations, ventilators, purifiers, we are probably talking state of the art. I would do my research way in advance so I know exactly what kind of money I was spending and how it was going to impact the atmosphere. We talked about there's a number for air pollution quality…I don't think anybody in this room knows what that number is, Chris Stone did not know what that number is. If I was going to build a facility and have that kind of technology I would make sure I knew exactly what those numbers are so I could facilitate that and have the equipment needed for state regulations. That is something that was not addressed correctly to us at that meeting. So you see all of us neighbors are pretty close to facility and my wife Lynn here talk about children and grandparents all around facility, and using us as guinea pigs. People don't seem to care too much when it's not right next to them, kind of like this COVID…people don't seem to care too much until it's a family member effected. People don't care too much when it comes to drugs/alcohol until one of your family members are effected. You have to ask yourself as a board member but as these neighbors sit here…you are talking about building a multi-million industry here and what kind of impacts is this going to have on my community? You ask yourself what are the positives for our community? I don't have not one, I don't think anyone in this room has one positive influence of this facility being built, in our community. Less than 2 miles from a grade school and middle school; we teach our kids to stay off drugs and alcohol and our kids are going to be on that school bus every single day and pass that facility twice a day…I don't want my kids seeing what looks like a prison with an armed guard there even know what that facility is. I'm sure you wouldn't want your kids or grandkids knowing that either. Route 97 backs up to the backside of our property…I have two German Shepard...my dogs howl once a week usually and if you want to know what they are howling at, it's because there has been an accident out there on 97; every time I hear my dog howls and my wife and kids aren't home or neighbors are gone or in-laws down the road…you want to talk about a sunken heart. You want to know where your loved ones are at. You want to hope to god it wasn't one of them out there in an accident in that intersection; June 8 a car flipped over right on Stone Seed property…I don't know if they lived or died. I am telling you that intersection that is one of the most dangerous intersection on 97, including the stop light. You may hear of accident reports or widen the freeway, that's down further, that is down past Farmingdale. They have been talking over widening for decades, and how there is funding for it. Funds get taken away easily.

CB Stumpf: Ok, I am going to just say a couple of things I don't normally at these zoning meetings to a few of you people that are talking now. I am, Greg Stumpf and I am the Chairman of the zoning committee. We follow the criteria that is set forth by our committee through the recommendations of the regional planning commission, who you are going to here tonight and also the zoning. I just want you all to know that you are the neighbors for us, that's for sure. There are 29 of us and we are spread throughout the entire County and represent all of you guys; and Mr. Egizii for you to say that it's a slam dunk; I don't have a dog in this hunt, it's irrelevant to me whether this passes or not. My job as a County Board member is to follow the instructions of our community and recommendations of our legal systems, from our State's Attorney and legal. You should also be happy that you have County Board members that will actually take the time to drive, for instance as I did, to Barry, IL and see because I thought the same thing as you guys…I wouldn't want this thing in my neighborhood. And when I went over there to see this thing…I didn't smell anything that day and I took the time to talk with the neighbors around there; I took the time because this means a lot to me. I was surprised how nothing this facility really is. If there is smell, I really didn't smell anything. We are all just like you guys and live in this community too, I live on the north end of Springfield. I have been a County Board member a long time; my only job was instead of it being called a slam dunk to see if this was a properly zoned building; which regional will talk with you tonight to see. And to see if I would really want that in my neighborhood. I wouldn't mind it in my back yard, but that's me. There are 28 other County Board members besides me, so there is not a slam dunk to this…it makes no difference to me whether it passes; I am only doing my job as the Chairman of the committee. If you would see what I am talking about, you would see the criteria that's brought forth to us from a legal perspective and zoning and regional planning, it meets all the criteria. Remember your County Board members are from the same community and we are all trying to do our jobs.

ZBA Chimento: Greg, we are a recommending body. The County Board will make a final decision. We will not make the final decision, we are recommending.

CB Stumpf: That's correct.

ZBA Chimento: Tom.

CB Fraase: I have a couple questions for staff…on the Cyclone Labs was that zoned industrial?

Harrison: No.

CB Fraase: What was it zoned?

Harrison: Agricultural.

CB Fraase: That was ag too, ok?

Harrison: Tom, it is currently zoned agricultural?

CB Fraase: Ok, I just wanted to clarify that. I know the 1500' rule doesn't apply to this because it's in an agricultural area, but how close is that house to this facility?

ZBA Chimento: What house?

Egizii: Ok, thank you.

ZBA Chimento: Greg.

CB Stumpf: Bob, I am sorry if you said Mr. Stone…I thought you said Mr. Stumpf.

Egizii: I did.

ZBA Chimento: He did, he was talking to you.

CB Stumpf: Well, that's what I was talking about then, when he said it was a slam dunk, that's what I was trying to explain.

ZBA Chimento: You know what we are getting off the base here and it's getting late and we have other people that want to talk.

CB Stumpf: Ok, I just wanted to make sure I heard correctly.

ZBA Chimento: Anybody else?

Stark: Do you plan on building a home out there in Barry, IL, like a million dollar piece of property?

CB Stumpf: No.

Stark: Ok, do you plan on retiring next door to Barry, IL?

ZBA Chimento: That doesn't make any difference, mam.

Stark: Well, he said it wouldn't make a difference if it was in his backyard.

ZBA Chimento: Point of order.

ASA, Benoit: Point of order, you are being redundant and you aren't allowed to ask questions to other people in the room. The hour is getting late, does anybody have something to say, that hasn't been said already? We aren't going to hear repetitive comments.

??: I just want to know why some people were for it and some people were against it?

ZBA Chimento: Because he is a board member and he is a board member and he's a lawyer.

??: He is the one that needs sworn in.

ZBA Chimento: Molly.

Molly Berns: I think Tom needs to have rebuttal.

ZBA Chimento: Tom, you have rebuttal.

Board voted to allow cannabis business establishments and they passed an ordinance to cover that. Once that ordinance has been adopted, then any businesses that come before the Zoning Board of Appeals and the County Board, for consideration, staff uses that ordinance, whether we agree with it or not by the way, no matter what our convictions on one way or the other, and we actually apply that ordinance to a zoning case; which is what we did in this particular case. Mr. Sheehan mentioned a couple of things about the residentially zoned property, the language related to sensitive areas, the sensitive area the quote he read, from the testimony he read, was me…I admit to it, openly. It referenced Peoria County. Peoria County in their unified development code actually adopted very similar language, they also used residentially zoned district; the sensitive areas was a term that quite frankly another state used, and I thought it fit quite nicely in the description, so we wouldn't have to roll out this whole sentence of language, it's just a term of art but nonetheless it is the same frame of reference that actually Peoria County is using and they are using 1500' from a residentially zoned district, as well. My point to mention this is, is that Sangamon County Board did not make some of these decisions in a vacuum, it was after several months of discussion, research, debate and sometimes very adamantly debating each other; so the adoption of the language that the staff then applies to the staff analysis, was made by the County Board. And so it didn't create a loophole, as one of the communications was made to the County Board and it's not like the petitioner is exploiting anything in this case; it actually is just applying the language; there are a number of other things that were brought up in no particular order and that is, there is a lot of discussion about the traffic and staff really considers that, because it is. And by the way just for the record, I live 2.6 miles away from the proposed facility; so I travel that road. So it's not like we went out and did a site plan visit and then we left; I am on it every day, multiple times. So I did have an ability to look at the traffic and figure out, how much traffic would be generated by the number of employees verses for example a subdivision. For every subdivision that is built in Sangamon County and have the traffic study data, back at my office, it's something like 6.1 car rides or car visits per day; on the average size family. So I am looking at the thirty employees times going out there and going back, that's sixty. You take a house of thirty houses and do the math, you are up way much higher than that; so someone may say this is a cannabis facility, not a subdivision; we rather have the subdivision. That's fine, that's your opinion but that's not what staff looks at to determine whether, or not this particular location, is appropriate for the use that is being proposed. There is a lot of discussion about odors and things like that, one of the things staff looks at is in terms of the regulations at the State level, this is a highly regulated industry; it's an industry that in fact Mr. Egizii, I believe that if you look at the actual Illinois Cannabis and Regulation Tax Act it does have provisions of who is responsible, for enforcing the odors. I might be incorrect but I do believe that is where the language is that gives that authority and responsibility to the State Police, so at that point it's out of the hands of Sangamon County and becomes a State issue, at that point. It's really not a debatable issue at the Sangamon County level, either. One of the things we look at in terms of odor and if there is an impact is how many feet out that is, those kind of things and we look at what else would be allowed under the existing ordinance, as it stands now; without filing a zoning petition and without a CPU, what would be allowed? Well, a livestock farm; if you are downwind of a pig farm it's going to be odorous and so we look at all of those objectionable influences that would be allowed, as of right; without a hearing and without any sort of petition. And we found that based on what we have learned about a cannabis craft grow facility of this size, we are not anticipating that the smell would be any more injurious to adjoining or neighboring property than would uses than would uses that are already allowed, under the code. In terms of noise, a grain elevator is our comparison there, which is allowed as of right. In terms of the visual tall fence with razor wire, I will get to this in a minute but I think it's abundantly clear that under conditional permitted uses, you can impose conditions; I believe that Mr. Myer had imposed some that the petitioner had agreed to. So we can get to those in just a second for consideration. My point to this is, the actual site they are not going to tear down all of the buildings and build a new large facility; that looks

Attorney Pavlik: And that's agreeable to the petitioner.

Berns: One more thing at some point in time Mr. Myers staff would like to get together with you and discuss with you and discuss your proposed lighting modifications.

Myers: I will get you a copy of the model ordinance.

Berns: That would be perfect, thank you.

ZBA Chimento: Ok, after hearing all of the testimony and Molly, I would entertain a motion at this time.

Committee Member Tony Mares made a motion to accept staff's amended recommendation with conditions.

Committee Member Andrew Spiro seconded the motion.
Motion carries 3/0/1

<u>Motion to Adjourn:</u>

Committee Member Tony Mares made a motion to adjourn.

Committee Member Andrew Spiro seconded the motion.
Motion Carries 3/0/0

Meeting adjourned.

Respectfully submitted,

Recording Secretary

Chairman

Minutes of **August 20, 2020**
Full record of minutes available upon request in the Zoning Department