

DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD: TAZEWELL COUNTY
COMMITTEE: LAND USE
DATE/TIME: Tuesday, July 13, 2010 at 5:00 p.m.
PRESENT: Chairman Hillegonds, Joyce Antonini, Paul Hahn, Darrell Meisinger, Rosemary Palmer, Melvin Stanford, Sue Sundell and. Member Russ Crawford arrived at 5:05 p.m.
ABSENT: None
STAFF PRESENT: Kristal Deininger, Community Development Administrator; Mike Holly, Assistant States Attorney; Nicholas Hayward, Land Use Planner; James Newman, ZBA Chairman
OTHERS PRESENT: Mr. Rotherham

CALL TO ORDER: Chairman Hillegonds called the meeting to Order at 5:00 p.m.

MINUTES: Moved by Palmer, seconded by Meisinger, to approve the minutes of the June 30, 2010, In Place Land Use meeting, as distributed. On voice vote, **motion declared carried.**

CASES:

LU-10-09
Case No. 10-32-Z

The petition of Mary Ann Vance, representing Scott and Barbara Theede for a Map Amendment to the Official Spring Lake Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture Zoning District.

Moved by Meisinger, seconded by Stanford, to recommend approval of LU-10-09, Case No. 10-32-Z, to the Tazewell County Board.

Chairman Hillegonds stated that at the ZBA Public Hearing, misinformation was given with regards to the southern 38.12 acres of the 64.23 acres . Chairman Hillegonds explained that during testimony it was stated that the 38.12 acres could not further be divided without ZBA approval, however this was an incorrect statement because if the property were rezoned to A-2 the 38.12 acre parcel could be divided into 3 parcels consisting of 10 acres each without further ZBA approval. Due to this misinformation the Community Development Administrator was requesting that the 38.12 acres be excepted out from the proposal and will be presented back to the ZBA to allow for clarity regarding the fact that the 38.12 acres could be divided without ZBA approval.

Following discussion, moved by Sundell, seconded by Antonini, to amend the main motion to recommend approval excepting out the southern 38.12 acres. **Motion carried by voice vote.**

Community Development Administrator Deininger commented that a new petition for the 38.12 acres will be presented to the ZBA at the August hearings, and she will provide clarification regarding the division of the 38.12 acres should the property be rezoned to A-2.

COMM. DEVEL. ADM.:

CODE AMENDMENT:

Administrator Deininger presented a proposal to amend the Zoning Code with regards to placement of off-premise signs/bill boards. Ms. Deininger stated the amendment is a result of a zoning case presented to the ZBA back in June which was denied by the ZBA due to wording of the Code. Ms. Deininger stated that currently the Zoning Code only allows placement of off premise sign/billboards in the C-2 Zoning District along Interstate Highways only by Special Use. Ms. Deininger said that the ZBA requested that the Land Use Committee consider an amendment to the Code to allow such structures to be placed in the C-2 Zoning Districts along *primary highways* also. Ms. Deininger stated she conducted research and allowing structures along primary highway is consistent with other surrounding County Codes and the Highway Advertising Control Act of 1971.

Moved by Hahn, seconded by Stanford, to recommend that that proposed code amendment be referred to the ZBA for Public Hearing.

Member Crawford commented that it was his opinion that the Zoning Code should remain as currently written and not be amended, as allowing bill boards/off premise signs of this nature could open the door for numerous structures such as this and it would not be aesthetically appropriate for Tazewell County. Many of the members were in concurrence with Mr. Crawford regarding this opinion.

Following discussion, **on voice vote motion failed.**

AMENDMENT TO CODE: Administrator Deininger presented a request from resident Kevin Rotherham requesting the Committee's consideration to amend the Zoning Code to allow a contracting businesses in a C-1 Neighborhood Commercial Zoning District. Ms. Deininger said that Mr. Rotherham owns property in Baltz Garmans Subdivision located in Cincinnati Township along IL Route 29 which is currently zoned R-1, however is located within close proximity of properties zoned C-1. Ms. Deininger said Mr. Rotherham is wishing to operate a contracting business at this location, but due to the R-1 Zoning this type of use is not allowed. Therefore, Mr. Rotherham would need to rezone to a C-2 General Commercial District but due to the characteristics of the surrounding area C-2 is not conducive. Although there is C-1 Zoning in close proximity the Zoning Code does not allow contracting businesses in the C-1 Zoning

District. Ms. Deininger added that while, she sympathizes with Mr. Rotherham, she could not support this type of request as the C-1 Neighborhood Zoning District is established to allow convenience for adjacent residential areas, and to permit uses that are necessary to satisfy the day to day shopping and service needs of persons residing in the district and adjacent area. A contracting business that Mr. Rotherham was requesting did not fit this criteria. Ms. Deininger stated that Mr. Rotherham's father was present should the Land Use Committee have any questions regarding the request.

Lengthy discussion followed regarding this matter, however the Land Use Committee did not take action regarding this request.

NEW BUSINESS:
Land Use Reports

Chairman Hillegonds commented that more consideration should be given to zoning cases when located in the Ag areas and along gravel roads. Mr. Hillegonds stated that if larger lot sizes and limited development were proposed in the ag areas it was his opinion that cases of this nature should not be denied only due to the gravel road aspect as there many gravel roads in Tazewell County and historically road improvements follow development.

Member Crawford asked if perhaps the current findings of fact are to restrictive and need modified As in Case No. 10-32-Z much emphasis was placed on the gravel road as the primary reason for having mixed findings of fact of 5 negative and 5 positive. Mr. Crawford said that he would prefer to see other reasons included in the findings with more specification rather that using just one basis for mixed findings of fact.

Administrator Deininger commented that when the reports are prepared by the Land Use Planner his recommendation is based on a site inspection and professional opinion. However, the Land Use Planner is not privy to a lot of information and there have been times following a Public Hearing that the findings of fact and recommendation may change upon hearing all testimony and evidence that is presented. Ms. Deininger added that the Land Use Planners report is only a recommendation and it is the ZBA's job to consider all evidence and testimony presented during the Public Hearing to make their decision and to develop their findings based on all factors surrounding the zoning case which includes all testimony and evidence submitted not just the Planner's report.

Mr. Crawford encouraged the Land Use planner to have more diversity and content when preparing his report to the ZBA.

Land Use Planner Nick Hayward commented that when he was prepared the report for the Case No. 10-32-Z he did conduct a site inspection and drove the roads which were gravel and some were primarily sand with sharp curves, and therefore he felt that the roads were substandard and substandard infrastructure existed.

Administrator Deininger stated that the ZBA approved the request based on the fact that the property would still remain Agriculture with large lot sizes and approving the request was not exerting a high density residential development.

ZBA Chairman concurred with Administrator Deininger. Mr. Newman added that as Chairman he looks at the reports by the Land Use Planner as a recommendation and if there are negatives statements, then the ZBA should generate more questions and have more discussion and give everyone a fair hearing.

Chairman Hillegonds said he would rather see concerns noted within the report versus the findings of fact which would guide the ZBA to ask more direct questions and place more emphasis on the actual concerns.

Member Sundell commented that she sees no problems with how the reports are written and does not see the need for any changes. Ms. Sundell stated that although negative findings may be present it is up to the ZBA or Land Use Committee to reach decisions based on all aspects of the request. She sees the negative findings of fact prepared by the Planner as pointing out a concern which should be taken into consideration when deciding on a zoning case.

No action was taken regarding this matter, it was conducted for discussion purposes only.

BILLS:

Moved by Antonini, seconded by Stanford, to approve the bills for the Community Development Department as submitted. On voice vote, **motion declared carried.**

NEXT MEETING:

The next meeting of the Land Use Committee will be held on **Tuesday, August 10, 2010**, at **5:00** p.m. in the 3rd Floor Jury Meeting Room of the McKenzie Building.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:05 p.m.

Kristal Deininger, Secretary