

**DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL**

**BOARD:** TAZEWELL COUNTY

**COMMITTEE:** LAND USE

**DATE/TIME:** Tuesday, March 8, 2011 at 5:00 p.m.

**PRESENT:** Acting Chairman Terry Hillegonds, Joyce Antonini, Dude Meisinger, Rosemary Palmer, Sue Sundell, Chairman Carol Imig arrived at 5:25 pm

**ABSENT:** K. Russell Crawford, Paul Hahn, Mel Stanford

**STAFF PRESENT:** Kristal Deininger, Community Development Administrator; Nicholas Hayward, Land Use Planner, Matt Drake, Assistant States Attorney; James Newman, ZBA Chairman

**OTHERS PRESENT:** Bob Burress, Ron Klein, Mary Ann Vance, and other members of the public.

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**CALL TO ORDER:** Acting Chairman Hillegonds called the meeting to Order at 5:06 p.m.

**MINUTES:** Moved by Antonini, seconded by Sundell, to approve the minutes of the February 8, 2011 Land Use meeting. On voice vote, **motion declared carried.**

**CASES**

**LU-11-01**

**Case No. 11-03-Z**

The petition of Michael Tibbs for a Map Amendment to the Official Groveland Township Zoning Map of Tazewell County to change the zoning classification of property from a R-1 Low Density Residential Zoning District to a R-R Rural Residential Zoning District.

Administrator Deininger stated the area was primarily Zoned R-1 Residential and the Rezoning would not be consistent. Ms. Deininger said the ZBA had directed her to propose an Amendment to the Zoning Code that would allow Mr. Tibbs to have the Pheasant and Quail on his property without rezoning the land, however Ms. Deininger stated it was difficult to create such an amendment and could not support it, due to the fact that any other form of farm animals in the R-1 Zoning was not good zoning and uses of that nature was not the intent of the R-1 Zoning District. Ms. Deininger added, that after much thought, she will be having Mr. Tibbs request a Variance, rather than proposing an Amendment. Ms. Deininger stated the Variance would waive the 20 acre minimum lot size to allow for agriculture and the ZBA could then impose conditions or limitations to allow only a certain number of pheasant and quail for private use.

Member Sundell stated rezoning the property would be “spot zoning” and amending the Code to allow pheasant and quail for one individual would set a precedence and would not be a very good idea. Mrs. Sundell said a Variance seemed to be a better resolution for this situation.

Following discussion, moved by Sundell, seconded by Palmer, to recommend approval of LU-11-01, Case No. 11-03-Z, to the Tazewell County Board. On voice vote, **motion failed.** Ayes: 0 Nays: 5 Absent - 4

**LU-11-02**  
**Case No. 11-06-A**

Administrator Deininger presented Proposed Amendment No. 36, (see attached) to the Committee. Ms. Deininger explained the proposed changes to the Zoning Code. Ms. Deininger stated the ZBA recommended approval, however at the suggestion of Assistant State's Attorney Matt Drake, the verbiage was amended for clarification. The modified changes were to remove the word "**primary**" as originally proposed, and add new verbiage stating "**state, U.S. designed highways** and interstate highways".

Moved by Antonini, seconded by Sundell, to recommend approval of LU-11-02, Case No. 11-06-A, to the Tazewell County Board as amended. Following discussion, on voice vote, **motion declared carried.**

**PLAT:**  
Huser Acres  
Elm Grove Twp.

Administrator Deininger presented a preliminary plat for Huser Acres located in Elm Grove Township. Ms. Deininger stated that the proposed plat was for a 4 lot subdivision with lot size being ranging from 8 to 14 acres. Ms. Deininger stated no Plat Review Committee meeting was held, however all agencies were notified with a response date due by March 4, 2011. Ms. Deininger added that all adjacent property owners were also notified. Ms. Deininger reviewed her Report with Committee including all comments from the Plat Review Committee and stated that approval was recommended with conditions.

John Rawlings, an adjacent property owner to the proposed Subdivision appeared and had questions with regards to how the properties would be serviced by water in addition to the number of entrances that would be allowed for the new lots.

Moved by Hillegonds, seconded by Sundell, to approve the Preliminary Plat directing the Community Development Administrator to sign off on the Final Plat upon submittal of all other Final Plat criteria as required by the Subdivision Code with the following conditions:

1. A shared driveway agreement shall be prepared for Lots B and C to share the same access. Said agreement shall be recorded with the deed for Lots B and C for any future purchase. A copy of said shared driveway agreement shall be submitted to the Community Development Department prior to issuance of building permit for each Lot.
2. A note shall be placed on the Final Plat that Lots B and C shall share the same access and not other access shall be allowed to Lot C.
3. No future division shall be allowed of any of the proposed lots, unless a Public Township Road is proposed to be constructed to Subdivision Standards for access to accommodate any future

division of the Lots.

4. The water lines shall be installed by a certified Plumber.

Following discussion, on voice vote, **motion declared carried.**

**NEW BUSINESS:**

Jason Proehl Subdivision  
Modification

Administrator Deininger presented a request by Jason Proehl for a modification to the Subdivision Ordinance for a waiver of the road requirements to allow a private easement to access 2 new zoning lots of record. Ms. Deininger said the each lot would not have frontage on public road but would accessed via an easement for ingress and egress for farming purposes. Ms. Deininger added that the Zoning Board of Appeals approved Case No. 11-04-V a Variance to waive the road frontage requirements of the Zoning Code.

Moved by Hillegonds, seconded by Sundell, to recommend approval of the Subdivision Modification to the Tazewell County Board. Following discussion, on voice vote, **motion declared carried.**

**UNFINISHED BUS:**

Comp Plan Update:

Nick Hayward of Tri County Regional Planning stated he had completed the revised Comp Plan for Tazewell County and held Open Meetings in Washington and Tremont. Mr. Hayward stated the Final Document would be sent out to the Land Use Committee and County Board for their review. Mr. Hayward said the after speaking to Administrator Deininger a Resolution for adoption would be brought to the Committee in April for a recommendation to the County Board on April 27, 2010. Mr. Hayward added that a brief presentation will be conducted at Land Use and County Board in April.

This item was for discussion only. No action was taken.

**BILLS:**

Moved by Sundell, seconded by Palmer, 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, April 12, 2011 at 5:00 p.m.** in the 3<sup>rd</sup> Floor Jury Meeting Room of the McKenzie Building.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 5:40 p.m.

Kristal Deininger, Secretary