

DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD: TAZEWELL COUNTY

COMMITTEE: LAND USE

DATE/TIME: Tuesday, June 14, 2011 at 5:00 p.m.

PRESENT: Chairman Carroll Imig, Joyce Antonini, Paul Hahn, Terry Hillegonds, Dude Meisinger, Rosemary Palmer, and Sue Sundell.

ABSENT: Mel Stanford

STAFF PRESENT: Kristal Deininger, Community Development Administrator; David Jones, County Administrator; Nicholas Hayward, Land Use Planner; Matt Drake, Assistant States Attorney; James Newman, ZBA Chairman; Jaclynn Workman, Field Inspector

OTHERS PRESENT: Mike Lahood, Devin Burch

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

MINUTES: Moved by Meisinger, seconded by Hahn, to approve the minutes of the May 10, 2011 Land Use meeting. On voice vote, **motion declared carried.**

PLATS:

Lakeland Estates: Administrator Deininger presented a preliminary plat for Lakeland Estates in Morton Township. Ms. Deininger stated that the proposed plat was for a 3 lot subdivision. Ms. Deininger stated no Plat Review Committee meeting was held, however all agencies were notified and all adjacent property owners were also notified. Ms. Deininger reviewed her Report with the Committee, including all comments received from the Plat Review Committee agencies and stated that approval was recommended with conditions.

Moved by Hillegonds, seconded by Palmer, 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. There shall be no access to Veterans Road.
2. Access to Lots 1 and 2 shall share a common lot line.
3. The front setback for Lots 1 and 2 shall be 35'.
4. The rear setback for Lots 1 and 2 will be 25'.
5. The front setback for Lot 3 shall remain at 25'.

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

Diebel Road Subd: Administrator Deininger presented a preliminary plat for Diebel Road Subdivision in Washington Township. Ms. Deininger stated that the proposed plat was for a 4 lot subdivision. Ms. Deininger stated no Plat

Review Committee meeting was held, however all agencies were notified and all adjacent property owners were also notified. Ms. Deininger reviewed her Report with the Committee including all comments received from the Plat Review Committee agencies and stated that approval was recommended with conditions.

Moved by Meisinger, seconded by Hahn, 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. The access to Lot 1 shall be located at the Southern edge of the proposed Lot

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

COMMUNITY DEVELOPMENT ADM.

Refund Request:

Administrator Deininger explained to the Committee that Eric Reitz had filed an Application for Variance which was soon after withdrawn, therefore the petitioner had requested a refund.

Moved by Hillemonds, seconded by Sundell, to approve the reimbursement to Eric Reitz in the amount of \$200.00. On voice vote, **motion declared carried.**

Proposed Amendment 37:

Administrator Deininger presented proposed Code Amendment No. 37 to the Land Use Committee. Ms. Deininger stated the Amendment was primarily changing items in the Zoning Code to correspond with the Building Code. Ms. Deininger said she would also like to lessen the time allowed for demolition of dwellings and various other structures, as some are taking up to the 2 years allowed, if not longer. Ms. Deininger gave several examples of properties where demolition was slow in progress. Ms. Deininger added the demolition permits also ensure buildings are removed from the tax rolls. Ms. Deininger further stated a fee for a Temporary Compliance Certificate would be added to the Zoning Code, as once a Temporary Compliance was requested by an individual, it would require additional inspections and paperwork to be completed.

Member Hahn stated shortening the time allowed for demolitions seemed to strict and stated he would like to see more than 30 days allowed for demolition. Mr. Hahn said he did not understand the idea of a Building Permit for demolition of a structure.

Chairman Imig stated a demolition permit would ensure public safety and agreed additional time allowed for demolitions would be ideal.

Member Hillegonds stated his belief demolition permits should be given additional days for completion. Mr. Hillegonds suggested 30 days to start demolition with a 90 day time frame to be complete.

Following discussion, moved by Hahn, seconded by Hillegonds, to recommend that the proposed Amendment be referred to the Zoning Board of Appeals for Public Hearing with the changes as discussed. (see attached). **Motion carried by voice vote.**

**Proposed Wind Farm
Ordinance Amendment:**

Administrator Deininger presented a proposed Code Amendment to the Wind Farm Ordinance to the Land Use Committee for their consideration. Ms. Deininger stated the Wind Farm Ordinance of other Counties have expanded the setback requirements for such structures and she would like to be consistent with those changes. Ms. Deininger gave examples of other Counties requirements for Wind Turbines. Ms. Deininger said the setback increase are for safety reasons and also for noise issues of some of the larger turbines. Ms. Deininger added with the Committees permission, she would draft an Amendment and present to the Committee at the July Land Use meeting.

Discussion followed, however no action was taken on this matter. It was presented for discussion purposes only.

**Building and Property
Maintenance Code, Fee
Schedule:**

Administrator Deininger presented the Building and Property Maintenance Code with the corresponding Fee Schedule to the Land Use Committee for their consideration. Ms. Deininger stated what they were reviewing was the Final Draft that would be adopted regarding Commercial and Industrial structures. Ms. Deininger said if adopted, the Code would be implemented as of July 1, 2011. Ms. Deininger gave an overview of the various Codes that are to be adopted and the reason for such. Ms. Deininger added a lot of deletions were related to Flood Plain issues as the County had an Ordinance that governs those issues directly. Ms. Deininger stated various Contractors of the various trades affected, various businesses and also the Fire Districts have been notified of the impending adoption. Ms. Deininger said Residential Codes would be adopted and implemented at a later date. Ms. Deininger stated the fees associated with the Building Code were competitive in nature. Ms. Deininger added an intergovernmental agreement would be drafted regarding using inspectors from various municipalities until the County was able to employ a private staff of inspectors.

Member Hahn questioned the enforcement of the proposed Code. Mr. Hahn stated he was concerned of additional rules and additional government control. Mr. Hahn questioned the fees that would be associated with the Building Code.

Assistant States Attorney Matt Drake informed the Committee the adoption of the Building Code was due to a new law that required enforcement be implemented by July 1, 2011.

Member Hillegonds stated the Code would level the playing field for area Contractors. Mr. Hillegonds said he would like to see various builders and contractors notified anytime an amendment were to be made to the Code.

County Administrator David Jones stated Commercial Contractors are very familiar with the Codes. Mr. Jones said even if the State did not require the enforcement, the adoption and implementation of the Code needed to be done. Mr. Jones added Commercial contractors would not be greatly affected, however, when the Residential Code were adopted, there may be some affected.

Following discussion, moved by Sundell, seconded by Meisinger, to recommend that the proposed Building Code, Property Maintenance Code and corresponding Fee Schedule be referred to the County Board for adoption and implementation. (see attached). **Motion carried by voice vote.**

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, July 12, 2011 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 5:40 p.m.

Kristal Deininger, Secretary

Prepared by Melissa A. Kreiter
Administrative Assistant